Montana Legislative History

Chapter: 272 Session L: 1971
Bill Number: 274 Senate

Checklist of Bill History

History and Final Status Sheet ☐
Introduced Bill ☐
Fiscal Note ☐
Third Reading Bill ☐
Final Version of Bill ☐

House	**Senate**
Committee: Executive Reorganization	Committee: Executive Reorganization
Hearing Date(s):	Hearing Date(s):
Committee Report:	Committee Report:

Conference Committee

Hearing Date(s):

Conference Committee Report:

Compiler Notes

Compiled by: S.K. Marshall

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Notes: We currently do not have access to any committee reports or exhibits – they are maintained by the Montana Historical Society which is currently closed due to renovation.

Chapter	Senate Bill	House Bill		Chapter	Senate Bill	House Bill
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have been filed against him with the *board* and to produce evidence and witnesses on his behalf and to cross-examine witnesses."

Amending clause.

Section 6. Section 69-3407, R.C.M., 1947, is amended to read as follows:

Reciprocity.

Application.

Fee $20.

Proof.

"69-3407. **Reciprocity.** The *department* shall issue a certificate of registration without examination to any person who makes application on forms prescribed and furnished by the *department,* pays the registration fee of twenty dollars ($20) and submits satisfactory proof that: (1) he is of good moral character; (2) he is registered as a sanitarian in a state in which the qualifications for registration are not lower than the qualifications for registration in this state at the time he applies for registration."

Amending clause.

Section 7. Section 69-3408, R.C.M., 1947, is amended to read as follows:

Review by district court.

"69-3408. **Appeal procedure.** Any party aggrieved by any decision or act of the *board* may seek a review thereof in the district court of the first judicial district of the state of Montana in the manner set forth in sections 93-9001 to 93-9011, *inclusive, R.C.M., 1947,* and said court shall affirm, reverse, or modify the findings of said board in accordance with law."

Amending clause.

Section 8. Section 69-3409, R.C.M., 1947, is amended to read as follows:

Service of process.

"69-3409. **Service of process.** When any petition or complaint is filed in any court naming the *board* as a party, process may be served upon the said *board* by delivering to and leaving with the *board* a true copy of the summons, writ, or order, as the case may be, and a true copy of the complaint, petition, or application upon which such summons, writ, or order was based."

Approved March 10, 1971

CHAPTER NO. 272.

An Act to Reorganize the Executive Department of Montana State Government in Accordance with the Constitutional Amendment, Chapter 1 of the Extraordinary Session, Laws of Montana, 1969, Adopted at the Gen-

eral Election of November 3, 1970, and Effective Under the Governor's Proclamation, November 20, 1970, which Provides that: 'All Executive and Administrative Offices, Boards, Bureaus, Commissions, Agencies and Instrumentalities of the Executive Department of State Government and their Respective Functions, Powers, and Duties. Except for the Office of Governor, Lieutenant Governor, Secretary of the State, Attorney General, State Treasurer, State Auditor, and Superintendent of Public Instruction, Shall Be Allocated by Law Among and Within not More than Twenty (20) Departments by No Later Than July 1, 1973.'; and Repealing Sections 27-427, 59-901, and 59-902, R.C.M., 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is a Title 82A in the Revised Codes of Montana, 1947, which provides:

"TITLE 82A. STATE REORGANIZATION OF EXECUTIVE DEPARTMENT

CHAPTER 1. GENERAL PROVISIONS

"Executive Reorganization Act of 1971."

82A-101. **Short Title.** This act shall be known and may be cited as the "Executive Reorganization Act of 1971."

Purpose of Act.

82A-102. **Declaration of Policy and Purpose.** (1) The purpose of this act is to comply with the constitutional amendment, chapter 1 of the extraordinary session, laws of Montana, 1969, adopted at the general election of November 3, 1970, and effective under the governor's proclamation, November 20, 1970, which requires that "[a]ll executive and administrative offices, boards, commissions, agencies and instrumentalities of the executive department of state government and their respective functions, powers, and duties, except for the office of governor, lieutenant governor, secretary of the state, attorney general, state treasurer, state auditor, and superintendent of public instruction, shall be allocated by law among and within not more than twenty (20) departments by no later than July 1, 1973."

Decalaration of policy.

(2) It is the public policy of this state and the purpose of this act to create a structure of the executive department of state government which is responsive to the needs of

the people of this state and sufficiently flexible to meet changing conditions; to strengthen the executive capacity to administer effectively and efficiently at all levels; to encourage greater public participation in state government; to effect the grouping of state agencies into a reasonable number of departments primarily according to function; to provide that the responsibility within the executive department of state government for the implementation of programs and policies is clearly fixed and ascertainable; and to eliminate overlapping and duplication of effort within the executive department of state government.

Intent of legislative assembly.

(3) It is the intent of the legislative assembly to provide, within this act, with the least disruption of governmental service and functions and the least expense, for the orderly transfer of functions of existing agencies to departments created by this act.

(4) It is further the intent of the legislative assembly not to increase, decrease, or change the statutory functions, powers, and duties of any agency existing before the effective date of this act, unless such intent is specifically expressed herein.

Definitions.

82A-103. **Definitions.** As used in this act. (1) "Executive department" means the executive department of state government referred to in the Montana constitution, articles IV and VII.

"Reorganization amendment."

(2) "Reorganization amendment" means the amendment to the Montana constitution, chapter 1 of the extraordinary session, laws of Montana, 1969, adopted at the general election of November 3, 1970, and effective under the governor's proclamation, November 20, 1970.

"Agency."

(3) "Agency" means an office, position, commission, committee, board, department, council, division, bureau, section, or any other entity or instrumentality of the executive department of state government.

"Unit."

(4) "Unit" means an internal subdivision of an agency, created by law or by administrative action, including a division, bureau, section, or department, and an agency allocated or transferred to a department for administrative purposes only by this act.

"Department."

(5) Except when used in connection with the name of an agency existing before the effective date of the applicable chapter of this act, "department" means a principal

functional and administrative entity, created by this act, within the executive department of state government; is one of the twenty (20) principal departments permitted under the reorganization amendment; and includes its units.

"Department head."

(6) "Department head" means a director, commission, board, commissioner, or constitutional officer in charge of a department created by this act.

"Director."

(7) "Director" means a department head specifically referred to as a director in this act, and does not mean a commission, board, commissioner, or constitutional officer.

"Advisory capacity."

(8) "Advisory capacity" means furnishing advice, gathering information, making recommendations, and performing such other activities as may be necessary to comply with federal funding requirements, and does not mean administering a program or function or setting policy.

"Function."

(9) "Function" means a duty, power, or program, exercised by or assigned to an agency, whether or not specifically provided for by law.

"Quasi-judicial function."

(10) "Quasi-judicial function" means an adjudicatory function exercised by an agency, involving the exercise of judgment and discretion in making determinations in controversies. The term includes, but is not limited to, the functions of interpreting, applying, and enforcing existing rules and laws; granting or denying privileges, rights, or benefits; issuing, suspending, or revoking licenses, permits, and certificates; determining rights and interests of adverse parties; evaluating and passing on facts; awarding compensation; fixing prices; ordering action or abatement of action; adopting procedural rules; holding hearings; and any other act necessary to the performance of a quasi-judicial function.

"Quasi-legislative function."

(11) "Quasi-legislative function" generally means making or having the power to make rules or set rates and all other acts connected with or essential to the proper exercise of a quasi-legislative function.

"Investment function."

(12) "Investment function" means the function of placing public money where it will yield an income or revenue, and includes the functions of:

(a) Assisting agencies with public money to determine if, when, and how much surplus cash is available for investment.

(b) Determining the amount of surplus treasury cash to be invested.

(c) Determining the type of investment to be made.

(d) Preparing the claim to pay for the investment.

Departments created.

82A-104. **Structure of executive department of state government.** (1) In accordance with the reorganization amendment, all executive and administrative offices, boards, commissions, agencies, and instrumentalities of the executive department of state government, and their respective functions, are allocated by this act among and within the following departments created by this act:

(a) Department of administration.

(b) Department of agriculture.

(c) Department of business regulation.

(d) Department of education.

(e) Department of health and environmental sciences.

(f) Department of highways.

(g) Department of institutions.

(h) Department of intergovernmental relations.

(i) Department of labor and inlustry.

(j) Department of state lands.

(k) Department of law enforcement and public safety.

(l) Department of livestock.

(m) Department of military affairs.

(n) Department of natural resources and conservation.

(o) Department of professional and occupational licensing.

(p) Department of public service regulation.

(q) Department of revenue.

(r) Department of social and rehabilitation services.

(s) Department of fish and game.

Constitutional offices—statutory functions continued.

(2) The governor, lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, and superintendent of public instruction each head a constitutional office. Except as otherwise provided in this act, the statutory functions of each constitutional officer are continued.

(3) For its internal structure, each department shall adhere to the following standard terms: Internal structure.

(a) The principal unit of a department is a "division." Each division shall be headed by an "administrator." "Division."

(b) The principal unit of a division is a "bureau." Each bureau shall be headed by a "chief." "Bureau." "Chief."

(c) The principal unit of a bureau is a "section." Each section shall be headed by a "supervisor." "Section." "Supervisor."

82A-105. **Policy-making authority and administrative powers of governor.** In accordance with article VII, section 5 of the Montana constitution, the governor is the chief executive officer of the state. Subject to the constitution and law of this state, the governor shall formulate and administer the policies of the executive department of state government. In the execution of these policies, the governor has full powers of supervision, approval, direction, and appointment over all departments and their units, other than the office of the lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, and superintendent of public instruction, except as otherwise provided by law. Whenever a conflict arises as to the administration of the policies of the executive department of state government, except for conflicts arising in the office of the lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, and superintendent of public instruction, the governor shall resolve the conflict, and the decision of the governor is final. Powers of governor as chief executive officer.

82A-106. **Appointment and qualifications of department heads.** (1) The governor shall appoint each department head who is a director in this act. Governor shall appoint department heads.

(2) An appointment of a director by the governor is subject to the confirmation of the senate, except that the governor may appoint a director to assume office before the senate meets in its next regular session to consider the appointment. A director so appointed is vested with all the functions of the office upon assuming the office, and is a de jure officer, notwithstanding the fact that the senate has not yet confirmed the appointment. If the senate does not confirm the appointment of a director, the governor shall make a new appointment. Confirmation by senate—interim appointment.

Director serves at pleasure of governor.

(3) A director serves at the pleasure of the governor. The governor may remove a director at any time and appoint a new director to the office.

Qualifications.

(4) The governor shall select a director on the basis of his professional and administrative knowledge and experience and such additional qualifications as are provided by law.

Vacancy.

(5) If a vacancy occurs in the office of a director, the governor shall appoint a new director to serve at the pleasure of the governor.

Heads who are not directors.

(6) Heads of departments who are not directors shall be elected or appointed and serve, and their vacancies filled, as provided by law.

82A-107. **Duties and powers of department heads** (1) Except as otherwise provided in this act, each department head shall:

Duties and powers of department heads.

Supervision.

(a) Supervise, direct, account for, organize, plan, administer, and execute the functions vested in the department by this act or other law.

Policy.

(b) Establish the policy to be followed by the department and employees.

Reports and budgets.

(c) Compile and submit reports and budgets for the department as required by law or requested by the governor.

Information.

(d) Provide the governor with any information that he requests at any time on the operation of the department.

Communications.

(e) Represent the department in communications with the governor.

Rules for administration.

(f) Prescribe rules, consistent with law and rules established by the governor, for the administration of the department; the conduct of the employees; the distribution and performance of business; and the custody, use, and preservation of the records, documents, and property pertaining to department business. The lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, and superintendent of public instruction may prescribe their own rules for their departments or offices and the governor may not prescribe rules for them.

Internal structure.

(g) Establish the internal organizational structure of the department and allocate the functions of the depart-

ment to units to promote the economic and efficient administration and operation of the department. The internal structure of the department shall be established in accordance with section 82A-104(3) of this act.

(h) Subject to law, and the state merit system if applicable, establish and make appointments to necessary subordinate positions, and abolish unnecessary positions. Appointments.

(i) Maintain a central office in Helena for the department, and such other facilities throughout the state as may be required for the effective and efficient operation of the department.

(2) Except as otherwise provided within this act, each department head may:

(a) Subject to law, and the state merit system if applicable, transfer employees between positions, remove persons appointed to positions, and change the duties, titles, and compensation of employees within the department. Employees.

(b) Delegate any of the functions vested in the department head to subordinate employees, except the power to remove employees of the department and fix their compensation. Delegation of functions.

(c) Require that any officer or employee of the department give an official bond, if the officer or employee of the department is not required to do so by law, in an amount to be determined by the director of the department of administration. Official bonds.

82A-108. **Allocation or transfer for administrative purposes only.** (1) An agency allocated or transferred to a department for administrative purposes only in this act shall: Duties of agencies.

(a) Exercise its quasi-judicial, quasi-legislative, licensing, and policy-making functions independently of the department and without approval or control of the department. Separate functions.

(b) Submit its budgetary requests through the department. Budget requests.

(c) Submit reports required of it by law or by the governor through the department. Reports.

Duties of departments.

(2) The department to which an agency is allocated or transferred for administrative purposes only in this act shall:

Supervision.

(a) Direct and supervise the budgeting, record keeping, reporting, and related administrative and clerical functions of the agency.

Budget.

(b) Include the agency's budgetary requests in the departmental budget.

Revenues.

(c) Collect all revenues for the agency and deposit them in the proper fund or account; except as provided in section 82A-1603(6) of this act, the department may not use or divert the revenues from the fund or account for purposes other than provided by law.

Staff.

(d) Provide staff for the agency. Unless otherwise indicated in this act, the agency may not hire its own personnel.

Notices, rules and orders.

(e) Print and disseminate for the agency any required notices, rules, or orders adopted, amended, or repealed by the agency.

Duties of department head.

(3) The department head of a department to which any agency is allocated or transferred for administrative purposes only in this act shall:

Communications.

(a) Represent the agency in communications with the governor.

Office space.

(b) Allocate office space to the agency as necessary, subject to the approval of the department of administration.

Access to agencies and records.

82A-109. **Prior right of department head to agencies and records.** Each department head designated by this act or appointed by the governor has, before assuming the office of the department head, full access to all agencies and their records within the department created by this act for the purpose of formulating plans for internal organization and the fiscal and personnel administration of the department.

Purposes.

Creation of advisory councils.

82A-110. **Creation of advisory councils.** (1) A department head or the governor may create advisory councils. An official of the executive department of state government other than a department head or the governor, including the superintendents of the state's institutions

and the presidents of the units of the state's university system, or an agency, may also create advisory councils, but only if federal law or regulation requires that such official or agency create the advisory council as a condition to the receipt of federal funds.

Title. (2) Each advisory council created under this section shall be known as the "..... advisory council."

Functions. Appointments. Term. (3) The creating authority shall prescribe the composition and advisory functions of each advisory council created; appoint its members, who shall serve at the pleasure of the governor; and specify a date when the existence of each advisory council ends.

Purpose. (4) Advisory councils may be created only for the purpose of acting in an advisory capacity as defined in section 82A-103(8) of this act.

Per diem. Expenses. (5) Each member of an advisory council may, unless he is a full-time salaried officer or employee of this state, be paid in an amount to be determined by the department head, not to exceed twenty-five dollars ($25) for each day in which he is actually and necessarily engaged in the performance of council duties, and shall also be reimbursed for actual and necessary expenses incurred while in the performance of council duties. Members who are full-time salaried officers or employees of this state may not be compensated for their service as members, but shall be reimbursed for their expenses.

Election of officers. (6) Unless otherwise specified by the creating authority, at its first meeting in each year each advisory council shall elect a chairman and such other officers as it considers necessary.

Meetings. (7) Unless otherwise specified by the creating authority, each advisory council shall meet at least annually and shall also meet on the call of the creating authority or the governor, and may meet at other times on the call of the chairman or a majority of its members. No advisory council may meet outside the city of Helena without the express prior authorization of the creating authority.

Quorum. (8) A majority of the membership of an advisory council constitutes a quorum to do business.

Approval of governor. (9) Except as provided in subsection (10) of this section, no advisory council may be created or appointed by

a department head or any other official without the approval of the governor. In order for the creation or approval of the creation of an advisory council to be effective, the governor must file in his office and in the office of the secretary of state a record of the council created showing the council's:

Record of council filed in governor's office.

(a) Name, in accordance with subsection (2) of this section.

(b) Composition.

(c) Names and addresses of the appointed members.

(d) Purpose.

(e) Term of existence, in accordance with subsection (11) of this section.

Creation of advisory councils by certain officials.

(10) The board of education, the attorney general, and the superintendent of public instruction may create advisory councils, which shall serve at their pleasure, without the approval of the governor. They must file a record of each council created by them in the office of the governor and the office of the secretary of state in accordance with subsection (9) of this section.

Filing records.

Maximum existence —two years.

(11) No advisory council may be created to remain in existence longer than two (2) years after the date of its creation or beyond the period required to receive federal or private funds, whichever occurs later, unless extended by executive order of the governor, or by the board of education, the attorney general, or the superintendent of public instruction for those advisory councils created in the manner set forth in subsection (10) of this section. If the existence of an advisory council is extended, they shall specify a new date, not more than two (2) years later, when the existence of the advisory council ends, and file a record of the order in the office of the governor and the office of the secretary of state. The existence of any advisory council may be extended as many times as necessary.

Extension.

Termination date.

"Advisory body." Defined.

(12) As used in this subsection, "advisory body" means an administratively created agency which acts in an advisory capacity. The department head of each department created by this act shall, upon the effective date of the applicable chapter of this act, file a record of each advisory body within the department not abolished by this

Filing records.

act. The record shall be filed in accordance with subsection (9) of this section. Upon the filing of such record, the provisions of this section shall apply to each such advisory body.

82A-111. **Administratively created agencies—prohibition.** The governor, a department head, or any other official of the executive department of state government, or an agency, may not, by administrative action, create or attempt to create an agency of state government. This section does not apply to: Creation of agencies prohibited.

(1) Advisory councils created in accordance with section 82A-110 of this act.

(2) Units within the internal structure of a department established under section 82A-107(g) of this act.

82A-112. **Quasi-judicial boards.** (1) If an agency is created under this act and is designated as a quasi-judicial board: Quasi-judicial boards.

(a) The number of members and their qualifications are as specified in the section creating the board: in addition to those qualifications, at least one (1) member shall be an attorney licensed to practice law in the state. Qualifications. Attorney. Member.

(b) The governor shall appoint a majority of the members, who shall serve for terms concurrent with that of the governor's term, or the remainder thereof, and until their successors are appointed and qualified. The governor shall appoint the remaining members of the board for terms ending on January 1, 1975. Thereafter, members shall be appointed by the governor for four (4) year terms, and until their successors are appointed and qualified. It is the intent of this subsection that the governor appoint a majority of the members of each quasi-judicial board at the beginning of his term, with the remaining members to be appointed in the middle of his term. As used in this subsection, "majority" means the next greatest whole number more than half (as three (3) of five (5), four (4) of seven (7), nine (9) of sixteen (16), etc.). Appointment by governor. Terms of office. "Majority" defined.

(c) The governor shall designate the chairman. Chairman.

(d) Members may be removed by the governor only for cause. Removal.

(e) Each member shall, unless he is a full-time salaried officer or employee of this state, be paid twenty-five dol- Per diem.

lars ($25) for each day in which he is actually and necessarily engaged in the performance of board duties, and shall also be reimbursed for actual and necessary expenses incurred while in the performance of board duties. Members who are full-time salaried officers or employees of this state may not be compensated for their service as members, but shall be reimbursed for their expenses.

Expenses.

Quorum.

(f) A majority of the membership constitutes a quorum to do business.

Provisions for continuance.

(2) The following provisions apply to an agency continued in this act and designated as a quasi-judicial board:

(a) Subsections (c) through (f) of the preceding subsection.

Present members shall complete terms of office.

(b) Persons who were members of the board before the effective date of the chapter of this act continuing the board shall serve for the remainder of their terms; thereafter, members shall be appointed by the governor and serve in accordance with subsection (b) of the preceding subsection.

Number and qualifications.

(c) The number of members and their qualifications remain as prescribed before the effective date of the chapter of this act continuing the board, unless otherwise specified in that chapter.

Authority to perform duties.

(3) Any board continued or created in this act and assigned the duty of acting in a quasi-judicial capacity in certain matters has the authority, in addition to any quasi-judicial functions retained in or transferred to it by this act, to perform any of those quasi-judicial functions which are proper and necessary to perform its duties. A quasi-judicial function includes holding hearings and issuing orders, and any other appropriate quasi-judicial function enumerated in section 82A-103(10) of this act. The board may also employ hearing examiners in the exercise of its quasi-judicial functions, but only if the board has specific authority in this act to hire personnel. If the board does not have the specific authority, hearing examiners shall be provided by the department to which the board is attached.

Hearings.

Hearing examiners.

Department succeeds abolished agency.

82A-113. **Agencies abolished with split transfers.** If an agency is abolished before all of its functions have been transferred to other departments which have not been implemented by executive order of the governor under this act, then the department created in the chapter of this act

under which the agency is abolished succeeds to the remaining functions until they are transferred to the other departments subsequently implemented by the governor.

Nonassigned agencies—transfer by executive order.

82A-114. **Agencies or functions not assigned.** If an agency or a function of an agency existing before the effective date of this chapter is not allocated or transferred to a department or a constitutional office by this act it shall be allocated or transferred to the appropriate department by the governor in an executive order.

Future functions—transfer by executive order.

82A-115. **Future functions.** If an agency or a function of an agency established after the effective date of this chapter is not allocated or transferred to a department or a constitutional office by this act or any other act of the legislative assembly, the governor shall, by executive order, allocate that agency or function to the appropriate principal department or unit created by this or any future act.

Rights of state personnel preserved.

82A-116. **Rights of state personnel.** Unless otherwise provided in this act, each state officer or employee affected by the reorganization of the executive department of state government under this act is entitled to all rights which he possessed as a state officer or employee before the effective date of the applicable chapter of this act, including rights to tenure in office and of rank or grade, rights to vacation and sick pay and leave, rights under any retirement or personnel plan or labor union contract, rights to compensatory time earned, and any other rights under any law or administrative policy. This section is not intended to create any new rights for any state officer or employee, but to continue only those rights in effect before the effective date of the applicable chapter of this act.

Department succeeds to property rights.

82A-117. **Rights to property.** The department or unit thereof that succeeds to all or part of the functions of an agency under this act also succeeds to the rights to all real and personal property of that agency relating to the functions or parts of functions transferred. The property includes real property, records, office equipment, supplies, contracts, books, papers, documents, maps, appropriations, accounts within and without the state treasury, funds, vehicles, and all other similar property. However, the department or unit may not use or divert monies in a fund or account for a purpose other than provided by

Governor shall resolve conflicts.

law. The governor shall resolve any conflict as to the proper disposition of the property, and his decision is final. This section does not apply to property owned by the federal government.

Department succeeds to rules, regulations and orders.

82A-118. **Rules, regulations, and orders.** The department or unit thereof that succeeds to all or part of the functions of an agency under this act also succeeds to the rules, regulations, and orders of that agency relating to the functions or parts of functions transferred. The rules, regulations, and orders of any agency in effect before the effective date of the chapter affecting the agency remain in effect until amended, repealed, superceded, or nullified by proper authority or by law.

Validity of legal proceedings.

82A-119. **Legal Proceedings.** This act does not affect the validity of any judicial or administrative proceeding pending or which could have been commenced before the effective date of the applicable chapter of this act, and

Substitution as party in interest.

the department or unit which succeeds to the functions of an agency relating to the proceeding shall be substituted as a party in interest.

Rights of holders of obligations preserved.

82A-120. **Rights and duties under existing transactions.** The rights, privileges, and duties of the holders of bonds and other obligations issued, and of the parties to contracts, leases, indentures, and other transactions entered into, before the effective date of the applicable chapter of this act, by the state or by any agency, officer, or employee thereof, and covenants and agreements as set forth therein, remain in effect, and none of those rights, privileges, duties, covenants, or agreements is impaired or diminished by reason of the transfer of the functions of an agency or the abolition of an agency in this act. The department or unit which succeeds to the

Department succeeds to agencies rights and duties.

functions of an agency is substituted for that agency and succeeds to its rights and duties under the provisions of those bonds, contracts, leases, indentures, and other transactions.

References apply to department.

82A-121. **References.** Unless inconsistent with this act, whenever an agency existing before the effective date of the chapter affecting that agency is referred to by any law, contract, or other document, that reference applies to the department or unit which succeeds to the functions of that agency.

Conflicts with federal aid resolved by executive order.

82A-122. **Federal aid.** If any part of this act is ruled to be in conflict with federal requirements which are a prescribed condition to the receipt of federal aid by the state, an agency, or a political subdivision, that part of this act has no effect, and the governor may issue an executive order which substitutes for that part to the extent necessary to effectuate the receipt of federal aid. The order is effective until the legislative assembly again acts upon the matter.

CHAPTER 2. DEPARTMENT OF ADMINISTRATION

Department of administration created.

82A-201. **Department of Administration — Creation; Head.** There is created a department of administration. The department head is a director of administration appointed by the governor in accordance with section 82A-106 of this act.

Certain agencies abolished—functions transferred.

82A-202. **Agencies abolished; functions transferred to department.** (1) The department of administration and its units, created in title 82, chapter 33, R.C.M., 1947, including the state purchasing department created in title 82, chapter 19, R.C.M., 1947, are abolished, and their functions, except the functions contained in title 69, chapter 21, R.C.M., 1947 (pertaining to building construction standards), transferred to the department of law enforcement and public safety in chapter 12 of this act, are transferred to the department of administration created in this chapter. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the department of administration or its units or the state purchasing department, except the references contained in title 69, chapter 21, R.C.M., 1947, means the department of administration created in this chapter.

Certain positions abolished—functions transferred.

(2) The office of state controller, created in title 82, chapter 1, R.C.M., 1947, the position of the state purchasing agent, created in title 82, chapter 19, R.C.M., 1947, and the position of budget director, created in title 79, chapter 10, R.C.M., 1947, are abolished, and their functions, except the functions contained in title 69, chapter 21, R.C.M., 1947 (pertaining to building construction standards), transferred to the department of law enforcement and public safety in chapter 12 of this act, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state controller, state purchasing agent, or

budget director, except the references contained in title 69, chapter 21, R.C.M., 1947, means the department of administration created in this chapter.

State board of review abolished—transfer.

(3) The state board of review, created in title 79, chapter 24, R.C.M., 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of review means the department of administration created in this chapter.

Highway patrolmen's retirement board abolished—transfer.

(4) The Montana highway patrolmen's retirement board, created in title 31, chapter 2, R.C.M., 1947, is abolished, and its functions, except the quasi-judicial functions transferred to the board of administration in section 82A-211 of this chapter, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana highway patrolmen's retirement board, except the references relating to the quasi-judicial functions transferred to the board of administration in section 82A-211 of this chapter, means the department of administration created in this chapter.

Functions of board of state prison commissioners transferred.

82A-203. **Additional functions transferred to department.** (1) The functions of the board of state prison commissioners, which is created in article VII, section 20 of the Montana constitution, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the board of state prison commissioners means the department of administration created in this chapter.

Functions of board of examiners transferred.

(2) The functions of the board of examiners, which is created in article VII, section 20 of the Montana constitution, except the functions contained in article VII, section 20 of the Montana constitution and the functions relating to the planning, financing, administration, and construction of state buildings in the long range building program contained in title 78, chapters 7 and 12; title 79, chapter 22; and sections 82-1131, 82-3317, and 82-3319, R.C.M., 1947, retained in the board in section 82A-207 of this chapter, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the board of examiners, except the references contained in title 78, chapters 7 and 12; title 79, chapter 22; and sections 82-1131, 82-3317,

and 82-3319, R.C.M., 1947, means the department of administration created in this chapter.

82A-204. **Board of investments—Creation; Allocation; Composition; Designation.** (1) There is created a board of investments. Board of investments created.

(2) The board is allocated to the department for administrative purposes only as prescribed in section 82A-108 of this act. Personnel for the board shall be appointed by the department subject to the approval of the board. Allocation.

(3) The board is composed of five (5) members, appointed by the governor as prescribed in section 82A-112 of this act, informed and experienced in the subject of investments. Five members appointed.

(4) The board of investments has the sole authority to exercise the investment functions transferred to it under section 82A-205 of this chapter. No other agency may invest state funds. All laws governing the exercise of the investment functions remain in effect, and the board shall direct the investment of state funds in accordance with those laws and the constitution of this state. The board has the power to veto any investments made under its general supervision. Sole authority—investment functions.

(5) The board is designated as a quasi-judicial board for the purposes of section 82A-112 of this act. Quasi-judicial.

82A-205. **Investment functions transferred to board of investments.** (1) The investment functions and the functions relating thereto of the state board of land commissioners, which are contained in the citations of the Revised Codes of Montana, 1947, enumerated below, are transferred to the board of investments created in this chapter: Investment functions of land commissioners transferred.

(a) Title 11, chapter 23 (pertaining to municipal bonds and indebtedness).

(b) Title 16, chapter 20, (pertaining to county bonds).

(c) Title 31, chapter 2 (pertaining to the highway patrolmen's retirement system).

(d) Title 59, chapter 11 (pertaining to social security coverage).

(e) Title 68, chapter 7 (pertaining to the management of the retirement fund), and chapter 14 (pertaining to the game wardens' retirement system).

(f) Title 75, chapter 62 (pertaining to the teachers' retirement system).

(g) Title 79, chapter 3 (pertaining to the state depository board), chapter 11 (pertaining to land board funds), and chapter 12 (pertaining to the Montana trust and legacy fund).

(h) Title 81, chapter 10 (pertaining to investments), and chapter 24 (pertaining to development of resources).

(i) Title 92, chapter 11 (pertaining to workmen's compensation).

Unless inconsistent with this act, any reference in the citations enumerated above in this subsection to the state board of land commissioners relating to the investment functions transferred to the board of investments means the board of investments created in this chapter.

Investment functions of depository board and state treasurer transferred.

(2) The investment functions of the state depository board and of the state treasurer, which are contained in title 79, chapter 3, R.C.M. 1947 (pertaining to state depository board—deposit and investment of state funds), are transferred to the board of investments. Unless inconsistent with this act, any reference in title 79, chapter 3, R.C.M. 1947, to the state depository board or the state treasurer relating to the investment functions transferred to the board of investments means the board of investments created in this chapter.

Investment functions of industrial accident board transferred.

(3) The investment functions of the industrial accident board, which are contained in title 92, chapter 13, R.C.M. 1947 (pertaining to workmen's compensation), are transferred to the board of investments. Unless inconsistent with this act, any reference in title 92, chapter 13, R.C.M. 1947, to the industrial accident board relating to the investment functions transferred to the board of investments means the board of investments created in this chapter.

Investment functions of board of administration transferred.

(4) The investment functions of the board of administration, including its investment functions as the Montana state game wardens' retirement board and as the Montana judges' retirement board, which are contained in title 68, chapters 1 through 13 (pertaining to the public

employees' retirement system), title 68, chapter 14 (pertaining to the game wardens' retirement system), and title 93, chapter 11 (pertaining to the judges' retirement system), are transferred to the board of investments. Unless inconsistent with this act, any reference in title 68, chapters 1 through 14, and title 93, chapter 11, R.C.M. 1947, to the board of administration relating to the investment functions transferred to the board of investments means the board of investments created in this chapter.

Investment functions of teachers' retirement board transferred.

(5) The investment functions of the teachers' retirement board, which are contained in title 75, chapter 62 (laws of Montana, 1971, chapter 5, sections 96 through 113), R.C.M. 1947 (pertaining to the teachers' retirement system), are transferred to the board of investments. Unless inconsistent with this act, any reference in title 75, chapter 62 (laws of Montana, 1971, chapter 5, sections 96 through 113), R.C.M. 1947, to the teachers' retirement board relating to the investment functions transferred to the board of investments means the board of investments created in this chapter.

82A-206. **Merit system council — creation; continued; transfer; composition.** (1) The administratively created agency known as the merit system council is hereby created by law.

Merit system council created by law.

(2) The council and its functions are continued.

Continued.

(3) The council is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act. However, the council may hire its own personnel, and section 82A-108(2) (d) does not apply.

Transfer.

(4) The council is composed of three (3) members, appointed by the governor for six (6) year overlapping terms. The governor shall appoint the members upon the recommendation of the agencies which participate in the joint merit system, and in accordance with federal requirements. The members of the council before the effective date of this chapter continue as members for the remainder of their terms; thereafter, members shall be appointed in accordance with this section.

Three members appointed—terms.

(5) Members shall be compensated and reimbursed as are members of advisory councils in section 82A-110(5) of this act.

Compensation.

Board of examiners continued.

82A-207. **Board of examiners — continued; transfer; functions.** (1) The board of examiners, created in article VII, section 20 of the Montana constitution, is continued.

Transfer.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act. However, the board may hire its own personnel, and section 82A-108(2) (d) does not apply.

Functions.

(3) The board retains only the following functions:

(a) Its functions relating to examining claims against the state, except salaries or compensation of officers fixed by law, as prescribed in article VII, section 20 of the Montana constitution.

(b) Its functions relating to planning, financing, administration, and construction of state buildings in the long range building program, contained in title 78, chapters 7 and 12; title 79, chapter 22; and sections 82-1131, 82-3317, and 82-3319, R.C.M. 1947.

Board of state prison commissioners continued.

82A-208. **Board of state prison commissioners — continued; transfer.** (1) The board of state prison commissioners, created in article VII, section 20 of the Montana constitution, is continued.

Transfer.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

State depository board continued.

82A-209. **State depository board — continued; transfer; functions.** (1) The state depository board, created in article XII, section 14 of the Montana constitution, is continued.

Transfer.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

Functions.

(3) The functions of the board, except the investment functions contained in title 79, chapter 3, R.C.M. 1947, transferred to the board of investments in section 82A-205 of this chapter, are continued in the board.

Board of administration continued.

82A-210. **Board of administration — continued; transfer; functions.** (1) The board of administration, provided for in title 68, chapter 5, R.C.M. 1947, is continued.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act. Transfer.

(3) The functions of the board, including its functions as the Montana state game wardens' retirement board and as the Montana judges' retirement board, except the investment functions transferred to the board of investments in section 82A-205 of this chapter, are continued in the board. Functions.

82A-211. **Functions transferred to board of administration.** The quasi-judicial functions of the Montana highway patrolmen's retirement board, which are contained in title 31, chapter 2, R.C.M. 1947 (pertaining to the highway patrolmen's retirement system), are transferred to the board of administration. Unless inconsistent with this act, any reference in title 31, chapter 2, R.C.M. 1947, to the Montana highway patrolmen's retirement board relating to the quasi-judicial functions transferred to the board of administration means the board of administration. Transfer of quasi-judicial functions of highway patrolmen's retirement board.

82A-212. **Teachers' retirement board — continued; transfer; functions.** (1) The teachers' retirement board, provided for in title 75, chapter 62 (sections 96 through 113, public schools recodification laws of 1971), R.C.M. 1947, is continued. Teachers' retirement board continued.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act. However, the board may hire its own personnel, and section 82A-108(2) (d) does not apply. Transfer.

(3) The functions of the board, except the investment functions transferred to the board of investments in section 82A-205 of this chapter, are continued in the board. Functions.

82A-213. **Additional agencies abolished.** The following agencies are abolished: Certain agencies abolished.

(1) The data processing advisory committee, provided for in section 82-3306, R.C.M. 1947.

(2) The advisory council on building construction, provided for in section 82-3318, R.C.M. 1947.

CHAPTER 3. DEPARTMENT OF AGRICULTURE

82A-301. **Department of agriculture — creation; head.** There is created a department of agriculture. As prescribed in article XVIII, section 1 of the Montana con- Department of agriculture created.

stitution, the department head is the commissioner of agriculture. The commissioner holding office before the effective date of this chapter continues as the commissioner of the department for the remainder of his term. The commissioner shall be appointed and serve as provided in article XVIII, section 1 of the Montana constitution.

Transfer of functions.

82A-302. **Agencies abolished; functions transferred to department.** (1) The department of agriculture, created in title 3, chapter 1, R.C.M. 1947, and its units, except the administratively created dairy and egg division and the division of weights and measures, created in title 90, chapter 1, R.C.M. 1947, are abolished, and their functions, except those enumerated below, are transferred to the department of agriculture created in this chapter:

(a) The functions contained in title 3, chapters 22 through 24 (pertaining to poultry improvement, eggs and egg dealers, and dairy products), and in title 27, chapter 5, R.C.M. 1947 (pertaining to oleomargarine regulation), transferred to the department of livestock in chapter 13 of this act.

(b) The functions contained in title 90, chapter 1, R.C.M. 1947 (pertaining to weights and measures), transferred to the department of business regulation in chapter 4 of this act.

References.

Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the department or its units, except the references enumerated below, means the department of agriculture created in this chapter:

(a) The references contained in title 3, chapters 22 through 24, and in title 27, chapter 5, R.C.M. 1947.

(b) The references contained in title 90, chapter 1, R.C.M. 1947.

Unless inconsistent with this act, any reference in title 3, chapter 25, R.C.M. 1947 (pertaining to quality labels), to the department or its units means the department of agriculture created in this chapter or the department of livestock created in chapter 13 of this act, whichever is applicable.

Agricultural marketing coordinator abolished. Transfer of functions.

(2) The position of agricultural marketing coordinator, created in title 3, chapter 1, R.C.M. 1947, is abolished and the functions of the coordinator are transferred

to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the agricultural marketing coordinator means the department of agriculture created in this chapter.

Farm storage commissioner abolished—transfer of functions.

(3) The office of farm storage commissioner, created in title 3, chapter 4, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the farm storage commissioner means the department of agriculture created in this chapter.

82A-303. **Additional functions transferred to department.** (1) The functions of the state board of health and the state department of health, which are contained in the Montana Insecticide, Fungicide, and Rodenticide Act of 1947, title 27, chapter 2, R.C.M. 1947, are transferred to the department. Unless inconsistent with this act, any reference in title 27, chapter 2, R.C.M. 1947, to the board of health or department of health means the department of agriculture created in this chapter.

Certain functions transferred—board of health—department of health.

Functions of state apiarist transferred.

(2) The functions of the state apiarist, which are contained in section 82-806, subsections 1 through 4, and section 82-807(11), R.C.M. 1947 (pertaining to enforcing apiary laws), are transferred to the department. Unless inconsistent with this act, any reference in section 82-806, subsections 1 through 4, and section 82-807(11), R.C.M. 1947, to the state apiarist means the department of agriculture created in this chapter.

Transfer of functions—commissioner of agriculture.

(3) The functions of the commissioner of agriculture, which position is provided for in article XVIII, section 1 of the Montana constitution and in title 3, chapter 1, R.C.M. 1947, except those enumerated below, are transferred to the department:

(a) The functions of the commissioner as ex officio state sealer of weights and measures, which position is created in title 90, chapter 1, R.C.M. 1947 (pertaining to weights and measures), transferred to the department of business regulation in chapter 4 of this act.

(b) The functions which are contained in title 60, chapter 2, R.C.M. 1947 (pertaining to petroleum products regulation), transferred to the department of business regulation in chapter 4 of this act.

(c) The functions which are contained in title 3, chapter 22, R.C.M. 1947 (pertaining to poultry improvement), chapter 23 (pertaining to eggs and egg dealers), and chapter 24 (pertaining to dairy products), transferred to the department of livestock in chapter 13 of this act.

References.

(d) The functions which are contained in title 27, chapter 5, R.C.M., 1947 pertaining to oleomargarine regulation), transferred to the department of livestock in chapter 13 of this act. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the commissioner of agriculture, except those enumerated below, means the department of agriculture created in this chapter:

(a) The references contained in title 90, chapter 1, R.C.M. 1947.

(b) The references contained in title 60, chapter 2, R.C.M. 1947.

(c) The references contained in title 3, chapters 22, 23, and 24, R.C.M. 1947.

(d) The references contained in title 27, chapter 5, R.C.M. 1947.

Unless inconsistent with this act, any reference in title 3, chapter 25, R.C.M. 1947 (pertaining to quality labels), to the commissioner of agriculture means the department of agriculture created in this chapter or the department of livestock created in chapter 13 of this act, whichever is applicable.

Wheat research and marketing committee continued.

82A-304. **Montana wheat research and marketing committee — continued; transfer.** (1) The Montana wheat research and marketing committee, created in title 3, chapter 29, R.C.M. 1947, and its functions are continued.

Transfer.

(2) The committee is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

Terms.

(3) Members of the committee before the effective date of this chapter serve for the remainder of their terms. The composition, method of appointment, terms of office, compensation, reimbursement, and qualifications of committee members remain as prescribed by law.

82A-305. **Additional agencies abolished.** The following agencies are abolished: Additional agencies abolished.

(1) The agricultural marketing advisory body, created in section 3-121, R.C.M. 1947.

(2) The poultry advisory board, provided for in section 3-2201, R.C.M. 1947.

(3) The state mosquito control advisory committee, created in section 16-4209, R.C.M. 1947.

(4) The agriculture and livestock council, created in section 82-2901, R.C.M. 1947.

(5) The Montana wool laboratory advisory committee, created in section 75-717, R.C.M. 1947.

CHAPTER 4. DEPARTMENT OF BUSINESS REGULATION.

82A-401. **Department of business regulation — creation; head.** There is created a department of business regulation. The department head is the state examiner provided for in article VII, section 8 of the Montana constitution. He shall serve at the pleasure of the governor. Department of business regulation created.

82A-402. **Agencies abolished; functions transferred to department.** (1) The state banking department of the state of Montana and the position of superintendent of banks, provided for in title 5, chapter 6, R.C.M. 1947, are abolished, and their functions are transferred to the department of business regulation. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the superintendent of banks or the state banking department means the department of business regulation. State banking department abolished. Transfer of functions.

(2) The office of consumer loan commissioner, created in title 47, chapter 2, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the consumer loan commissioner means the department of business regulation. Consumer loan commissioner abolished—transfer of functions.

(3) The position of state sealer of weights and measures and the division of weights and measures, created in title 90, chapter 1, R.C.M. 1947, are abolished, and their functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state sealer or to the State sealer and division of weights and measures abolished—transfer of functions.

division of weights and measures means the department of business regulation.

Functions of state examiner.

82A-403. **Additional functions transferred to department.** (1) The functions of the state examiner, except the functions with respect to the political subdivisions of the state and their officers and employees transferred to the department of intergovernmental relations and enumerated in chapter 9 of this act, are transferred to the department. In accordance with article VII, section 8 of the Montana constitution, the state examiner retains the function of examining the accounts of the state treasurer, supreme court clerks, district court clerks, and county treasurers. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state examiner, except the references contained in the citations enumerated above in this subsection, means the department of business regulation.

Transfer of functions—milk control board.

(2) The functions of the Montana milk control board, which is created in title 27, chapter 4, R.C.M. 1947, except the quasi-judicial functions contained in section 27-407, R.C.M. 1947 (pertaining to fixing minimum prices for milk), retained in the board under section 82A-406 of this chapter, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana milk control board, except the references in section 27-407, R.C.M. 1947, relating to the quasi-judicial functions retained in the board under section 82A-406 of this chapter, means the department of business regulation.

Transfer of functions—commissioner of agriculture.

(3) The functions of the commissioner of agriculture, which are contained in title 60, chapter 2, R.C.M. 1947 (pertaining to petroleum products regulation), are transferred to the department. Unless inconsistent with this act, any reference in title 60, chapter 2, R.C.M. 1947, to the commissioner of agriculture means the department of business regulation.

Transfer of functions—department of agriculture.

(4) The functions of the department of agriculture, which are contained in title 90, chapter 1, R.C.M. 1947, (pertaining to weights and measures), are transferred to the department of business regulation. Unless inconsistent with this act, any reference in title 90, chapter 1, R.C.M. 1947, to the department of agriculture means the department of business regulation.

82A-404. **Board of food distributors — continued; renamed board of trade; transfer; designation.** (1) The Montana state board of food distributors, provided for in title 27, chapter 3, R.C.M. 1947, and its functions are continued, and the board is renamed the board of trade. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana state board of food distributors means the board of trade.

Board of food distributors renamed board of trade.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

Transfer.

(3) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

Quasi-judicial.

82A-405. **Montana trade commission abolished; functions transferred to board of trade.** The Montana trade commission, created in title 70, chapter 2, R.C.M. 1947, is abolished, and its functions are transferred to the board of trade. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana trade commission means the board of trade.

Trade commission abolished—transfer of functions.

82A-406. **Milk control board — continued; renamed board of milk control; transfer; functions; designation.** (1) The Montana milk control board, created in title 27, chapter 4, R.C.M. 1947, is continued, and the board is renamed the board of milk control.

Milk control board renamed board of milk control.

(3) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

Transfer.

(3) The board retains only the quasi-judicial functions contained in section 27-407, R.C.M. 1947 (pertaining to setting milk prices). Unless inconsistent with this act, any reference in section 27-407, R.C.M. 1947, to the Montana milk control board means the board of milk control.

Functions.

(4) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

Quasi-judicial.

CHAPTER 5. DEPARTMENT OF EDUCATION.

82A-501. **Department — creation; head.** There is created a department of education. The department head is the state board of education, created in article XI, section 11 of the Montana constitution and provided for in title 75, R.C.M. 1947.

Department of education created.

State entomologist abolished.

Transfer of functions.

82A-502. **Agencies abolished; functions transferred to cooperative extension service.** (1) The position of state entomologist of Montana, provided for in title 82, chapter 8, R.C.M. 1947, is abolished, and the functions of the position are transferred to the cooperative extension service within the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state entomologist means the cooperative extension service within the department of education.

State apiarist abolished—transfer of functions.

(2) The position of state apiarist, provided for in title 82, chapter 8, R.C.M. 1947, is abolished, and the functions of the office, except the functions contained in section 82-806, subsections 1 through 4, and section 82-807(11), R.C.M. 1947 (pertaining to enforcing the apiary laws), transferred to the department of agriculture in chapter 3 of this act, are transferred to the cooperative extension service within the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state apiarist, except the references in section 82-806, subsections 1 through 4, and section 82-807(11), R.C.M. 1947, means the cooperative extension service within the department of education.

Transfer—historical society.

82A-503. **Montana historical society transferred to department.** The Montana historical society provided for in title 44, chapter 5, R.C.M. 1947, is transferred to the department.

Position of director continued.

82A-504. **Director of Montana historical society — continued.** The position of director of the Montana historical society, which position is provided for in title 44, chapter 5, R.C.M. 1947, and his functions are continued. After the effective date of this chapter, the director shall be appointed and may be removed by the board of trustees of the Montana historical society, subject to the approval of the board of education.

Transfer of functions to director.

82A-505. **Functions of Montana historical society and of board of trustees transferred to director.** The functions of the Montana historical society and of the board of trustees of the Montana historical society, which society and board are provided for in title 44, chapter 5, R.C.M. 1947, are transferred to the director of the Montana historical society. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana historical society or the board of trustees

of the Montana historical society relating to the functions transferred to the director means the director of the Montana historical society within the department of education.

82A-506. **Board functions.** (1) The functions of the state board of education, including its functions as ex officio board of regents and as the state board for vocational education, are continued in the board as the department head, except: Functions of board of education.

(a) The functions of the Montana state bureau of mines and geology, which are contained in title 50, chapter 10, R.C.M. 1947 (pertaining to strip coal mining regulation), and which are transferred to the department of natural resources and conservation in chapter 15 of this act.

(b) The functions of the division of vocational rehabilitation, created in title 41, chapter 8, R.C.M. 1947, transferred to the department of social and rehabilitation services in chapter 19 of this act.

(2) The composition, method of selection, terms of office, compensation, reimbursement, and qualifications of the members of the state board of education, the board of regents, and the state board for vocational education remain as prescribed by law.

82A-507. **Board of trustees of state historical society—continued; composition; function.** (1) The board of trustees of the state historical society, created in title 44, chapter 5, R.C.M. 1947, is continued. Board of trustees of state historical society.

(2) The board consists of fifteen (15) members, appointed by the governor to serve at his pleasure. Members of the board before the effective date of this chapter serve for the remainder of their terms; thereafter, members shall be appointed and serve in accordance with this subsection. The qualifications for board members in section 44-520, R.C.M. 1947, apply. The board may organize itself in accordance with section 44-523(1), R.C.M. 1947. Members shall be compensated and reimbursed as are members of advisory councils in section 82A-110(5) of this act. Fifteen members appointed—terms. Qualifications. Compensation.

(3) The board shall only act in an advisory capacity to the state board of education and the director of the Advisory capacity.

state historical society on matters relating to the functions of the director.

Montana arts council.

82A-508. **Montana arts council — continued; transfer.** (1) The Montana Arts Council, created in title 82, chapter 36, R.C.M. 1947, and its functions are continued.

Transfer.

(2) The council is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

Members.

(3) Members of the council before the effective date of this chapter serve for the remainder of their terms. The composition, method of appointment, terms of office, compensation, reimbursement, and qualifications of board members remain as prescribed by law.

Director appointed.

(4) The director of the council shall be appointed and may be removed by the council, subject to the approval of the board of education.

State library commission.

82A-509. **State library commission—continued; transfer.** (1) The state library commission, created in title 44, chapter 1, R.C.M. 1947, and its functions are continued.

Transfer.

(2) The commission is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

Members.

(3) Members of the commission before the effective date of this chapter serve for the remainder of their terms. The composition, method of appointment, terms of office, compensation, reimbursement, and qualifications of commission members remain as prescribed by law.

State librarian appointed.

(4) The state librarian shall be appointed and may be removed by the commission, subject to the approval of the board of education.

Agencies abolished.

82A-510. **Additional agencies abolished.** The following agencies are abolished:

(1) The advisory council on teacher education and certification, administratively created.

(2) The council on education for the disadvantaged, administratively created.

CHAPTER 6. DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES.

82A-601. **Department of health and environmental sciences — creation; head.** There is created a department of health and environmental sciences. The department head is the director of health and environmental sciences provided for in section 82A-608 of this chapter.

Department of health and environmental sciences created.

82A-602. **Agencies abolished; functions transferred to department.** (1) The state department of health, created in title 69, chapter 41, R.C.M. 1947, and its units are abolished, and their functions, except those enumerated below, are transferred to the department of health and environmental sciences:

Department of health abolished—transfer of functions.

(a) The functions contained in the Montana Insecticide, Fungicide, and Rodenticide Act of 1947, title 27, chapter 2, R.C.M. 1947, transferred to the department of agriculture in chapter 3 of this act.

(b) The function in section 69-4203(5), R.C.M. 1947 (pertaining to enforcing the industrial hygiene laws), transferred to the department of labor and industry in chapter 10 of this act. The department of health and environmental sciences shall notify the department of labor and industry of any alleged violation of the industrial hygiene laws or rules established thereunder. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the department of health or its units, except those enumerated below, means the department of health and environmental sciences:

(a) The references contained in title 27, chapter 2, R.C.M. 1947. References.

(b) The references contained in title 69, chapter 42, R.C.M. 1947, relating to the enforcement functions transferred to the department of labor and industry in chapter 10 of this act.

(2) The sanitarians registration council, created in title 69, chapter 34, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the sanitarians registration council means the department of health and environmental sciences.

Sanitarians registration council abolished—functions transferred.

Commission on alcohol and drug dependence abolished—functions transferred.

(3) The Montana commission on alcohol and drug dependence, created in title 69, chapter 62, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Motnana, 1947, to the Montana commission on alcohol and drug dependence means the department of health and environmental sciences.

82A-603. **Additional functions transferred to department.** Functions of water pollution control council transferred.

(1) The functions of the state water pollution control council, which is created in title 69, chapter 48, R.C.M. 1947, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state water pollution control council means the department of health and environmental sciences.

Transfer of functions—board of health.

(2) The functions of the state board of health, which is provided for in title 69, chapter 41, R.C.M. 1947, except the functions enumerated below, are transferred to the department:

(a) The functions contained in the Montana Insecticide, Fungicide, and Rodenticide Act of 1947, title 27, chapter 2, R.C.M. 1947, transferred to the department of agriculture in chapter 3 of this act.

(b) The functions contained in title 50, chapter 11, R.C.M. 1947 (pertaining to dredge mining regulation), transferred to the department of natural resources and conservation in chapter 15 of this act.

(c) The functions contained in title 41, chapter 22, R.C.M. 1947, (pertaining to nurses' employment practices), transferred to the department of labor and industry in chapter 10 of this act. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of health, except those enumerated below, means the department of health and environmental sciences:

References.

(a) The references contained in title 27, chapter 2, R.C.M. 1947.

(b) The references contained in title 50, chapter 11, R.C.M. 1947.

(c) The references contained in title 41, chapter 22, R.C.M. 1947.

82A-604. **Division of environmental sciences — creation.** There is created a division of environmental sciences within the department. The board of health and environmental sciences shall assign all functions performed by the department relating to air pollution control, water pollution control, radiation control, pesticides control, environmental sanitation, solid waste disposal, industrial hygiene, and related areas to the division. Division of environmental sciences created.

82A-605. **State board of health — continued; renamed; designation.** (1) The state board of health provided for in title 69, chapter 41, R.C.M. 1947, is continued and renamed the board of health and environmental sciences. Board of health renamed board of health and environmental sciences.

(2) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act. Quasi-judicial.

82A-606. **Air pollution control advisory council — continued; membership; functions.** (1) The air pollution control advisory council, created in title 69, chapter 39, R.C.M. 1947, is continued. Air pollution control advisory council.

(2) Council membership remains as prescribed in section 69-3908, R.C.M. 1947, except that the executive officer of the state board of health is replaced by the director of the department of health and environmental sciences. Members.

(3) After the effective date of this chapter, appointed council members serve at the pleasure of the governor. Terms.

(4) The council shall act in an advisory capacity to the department of health and environmental sciences on matters relating to air pollution. Advisory capacity.

(5) Subsections (5) through (8) of section 82A-110 of this act apply to the council and members.

82A-607. **State water pollution control council—continued; renamed water pollution control advisory council.** (1) The state water pollution control council, created in title 69, chapter 48, R.C.M. 1947, is continued and renamed the water pollution control advisory council. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state water pollution control council means the water pollution control advisory council. Water pollution control council renamed water pollution control advisory council.

(2) Council membership remains as prescribed in section 69-4810, R.C.M. 1947, except that the executive of- Members.

ficer of the state department of health, the state fish and game department director, and the director of the water resources board are replaced by the director of the department of health and environmental sciences, the director of the fish and game department, and the administrator of the water resources division of the department of natural resources and conservation, respectively.

Terms.

(3) After the effective date of this chapter, appointed council members serve at the pleasure of the governor.

Advisory capacity.

(4) The council shall only act in an advisory capacity to the department of health and environmental sciences on matters relating to water pollution.

(5) Subsections (5) through (8) of section 82A-110 of this act shall apply to the council and members.

Position of director of health and environmental sciences created.

82A-608. **Director of health and environmental sciences — creation; qualifications.** (1) There is created the position of director of health and environmental sciences. The director shall be appointed by the governor in the manner set forth in section 82A-106 of this act for directors who are department heads, and in addition shall:

Qualifications.

(a) Have a degree of doctor of medicine.

(b) Have successfully completed at least one (1) year of graduate study in an approved school of public health.

(c) Have had at least two (2) years' experience as a full-time public health officer.

(d) Be eligible for a license by the board of medical examiners.

(3) Receive a license from the board of medical examiners not later than six (6) months after his appointment.

(2) Section 82A-107 of this act applies to the director as a department head, subject to the concurrence of the board of health and environmental sciences. The director is the chief administrative officer of the department, and he shall in addition perform those functions that are delegated to him by the board of health and environmental sciences.

Functions.

Additional agencies abolished.

82A-609. **Additional agencies abolished.** The following agencies are abolished:

(1) The venereal disease and immunization advisory committee, administratively created.

(2) The laboratory advisory committee, administratively created.

(3) The migrant health advisory committee, administratively created.

(4) The hearing conservation advisory committee, administratively created.

(5) The family planning advisory committee, administratively created.

(6) The joint staff committee, administratively created.

(7) The interdepartmental council on mental retardation, administratively created.

(8) The radiation advisory committee, provided for in section 69-5805, R.C.M. 1947.

(9) The hospital and long term care facilities advisory council, provided for in section 69-5214, R.C.M. 1947.

CHAPTER 7. DEPARTMENT OF HIGHWAYS.

82A-701. **Department of highways — creation; head.** There is created a department of highways. The department head is the director of highways provided for in section 82A-707 of this chapter.

Department of highways created.

82A-702. **Agencies abolished; functions transferred to department.** (1) The highway department, provided for in title 32, chapter 25, R.C.M., 1947, is abolished, and its functions are transferred to the department of highways created in this chapter. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the highway department means the department of highways created in this chapter.

Highway department abolished—functions transferred.

(2) The position of state highway administrator, created in title 32, chapter 25, R.C.M. 1947, is abolished, and the functions of the position are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state highway administrator means the department of highways created in this chapter.

State highway administrator abolished—functions transferred.

Toll bridge authority abolished —functions transferred.

(3) The Montana toll bridge authority, created in title 32, chapter 27, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana toll bridge authority means the department of highways created in this chapter.

Motor vehicle reciprocity board abolished—functions transferred.

(4) The Montana motor vehicle reciprocity board, created in title 53, chapter 7, R.C.M. 1947, is abolished, and its functions, except the quasi-judicial functions transferred to the board of highway appeals in section 82A-705 of this chapter, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana motor vehicle reciprocity board, except the references relating to the quasi-judicial functions transferred to the board of highway appeals in section 82A-705 of this chapter, means the department of highways created in this chapter.

Functions of highway commission transferred.

82A-703. **Functions of highway commission transferred to department.** The functions of the highway commission, which is provided for in title 32, chapter 24, R.C.M. 1947, except its functions acting as the Montana highway patrol board, contained in title 31, chapter 1, R.C.M. 1947, transferred to the department of law enforcement and public safety or the attorney general in chapter 12 of this act, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the highway commission, except the references in title 31, chapter 1, R.C.M. 1947, to the commission acting as the Montana highway patrol board, means the department of highways created in this chapter.

Board of highway appeals created.

82A-704. **Board of highway appeals — creation; allocation; composition; designation.** (1) There is created a board of highway appeals.

Allocation.

(2) The board is allocated to the department for administrative purposes only as prescribed in section 82A-108 of this act.

Three members appointed.

(3) The board is composed of three (3) members appointed by the governor as prescribed in section 82A-112 of this act.

(4) The board shall act in a quasi-judicial capacity for the hearing of grievances of personnel of the department, and for the hearing of disputes that may result from the administration and enforcement of proportional registration agreements under title 53, chapter 7, R.C.M. 1947. Quasi-judicial capacity.

(5) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act. Quasi-judicial board.

82A-705. **Functions transferred to board of highway appeals.** The quasi-judicial functions of the Montana motor vehicle reciprocity board, which are contained in title 53, chapter 7, R.C.M. 1947 (pertaining to reciprocity and proportional registration of motor vehicles), are transferred to the board of highway appeals. Unless inconsistent with this act, any reference in title 53, chapter 7, R.C.M. 1947, to the Montana motor vehicle reciprocity board relating to the quasi-judicial functions transferred to the board of highway appeals means the board of highway appeals. Functions of motor vehicle reciprocity board transferred.

82A-706. **Highway commission — continued; designation.** (1) The highway commission, provided for in title 32, chapter 24, R.C.M. 1947, is continued. Highway commission.

(2) The commission is designated as a quasi-judicial board for purposes of section 82A-112 of this act. Quasi-judicial board.

82A-707. **Director of highways — creation.** There is created the position of director of highways. The director shall be appointed by the governor in the manner set forth in section 82A-106 of this act for directors who are department heads. Section 82A-107 of this act applies to the director as a department head, subject to the concurrence of the highway commission. The director is the chief administrative officer of the department, and in addition he shall perform those functions that are delegated to him by the commission. Position of director of highways created—appointment. Functions.

82A-708. **Additional agencies abolished.** The following agencies are abolished: Additional agencies abolished.

(1) The Montana fact-finding committee on highways, streets, and bridges, created in laws of Montana, 1955, chapter 99, at 196.

(2) The Montana council for highway research, created in laws of Montana, 1955, chapter 99, at 196.

(3) The highway joint development council, administratively created.

CHAPTER 8. DEPARTMENT OF INSTITUTIONS.

Department of institutions created.

82A-801. **Department of institutions — creation; head.** There is created a department of institutions. The department head is a director of institutions appointed by the governor in accordance with section 82A-106 of this act.

Functions.

82A-802. **Department of institutions abolished; functions transferred to department.** The state department of institutions, created in title 80, chapter 14, R.C.M. 1947, and its units are abolished, and their functions, except those enumerated below, are transferred to the department of institutions created in this chapter:

(1) The functions with respect to the position of registrar of motor vehicles, trailers and semitrailers, which is created in title 53, chapter 1, R.C.M. 1947, transferred to the department of law enforcement and public safety in chapter 12 of this act.

(2) The functions with respect to the state bureau of criminal identification and investigation, which is provided for in title 80, chapter 20, R.C.M. 1947, transferred to the department of law enforcement and public safety in chapter 12 of this act. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state department of institutions or its units means the department of institutions created in this chapter.

References.

Transfer of functions.

82A-803. **Functions of board of institutions transferred to department.** The functions of the state board of institutions, which is provided for in title 80, chapter 14, R.C.M. 1947, except those enumerated below, are transferred to the department of institutions created in this chapter:

(1) The quasi-judicial functions continued in the board under section 82A-806 of this chapter.

(2) The functions of the board with respect to the position of registrar of motor vehicles, trailers and semitrailers, which is created in title 53, chapter 1, R.C.M. 1947, transferred to the department of law enforcement and public safety in chapter 12 of this act.

(3) The functions of the board with respect to the state bureau of criminal identification and investigation, which is created in title 80, chapter 20, R.C.M. 1947,

transferred to the department of law enforcement and public safety in chapter 12 of this act. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of institutions, means the department of institutions created in this chapter.

82A-804. **Board of pardons — continued; transfer; designation; administrator.** (1) The state board of pardons, created in title 94, chapter 98, R.C.M. 1947, and its functions are continued. State board of pardons.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act. However, the board may hire its own personnel, and section 82A-108(2) (d) does not apply. Transfer.

(3) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act. Quasi-judicial board.

(4) The position of state director of probation and parole, provided for in title 94, chapter 98, R.C.M. 1947, is renamed the administrator of probation and parole. Administrator of probation and parole.

82A-805. **Board of eugenics — continued; transfer; designation.** (1) The state board of eugenics, created in title 69, chapter 64, R.C.M. 1947, and its functions are continued. State board of eugenics.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act. Transfer.

(3) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act. Quasi-judicial board.

82A-806. **Board of institutions — continued; transfer; functions; designation.** (1) The state board of institutions, created in title 80, chapter 14, R.C.M. 1947, is continued. State board of institutions.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act. Transfer.

(3) The board shall act in an advisory capacity to the department. Advisory capacity.

(4) The board shall continue to act in a quasi-judicial capacity for the hearing of disputes concerning the state's custodial institutions within the department, including Quasi-judicial capacity.

the hearing of grievances of inmates and personnel of the institutions. No quasi-judicial function exercised by the board may infringe upon statutory functions of the board of pardons.

Quasi-judicial board.

(5) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

82A-807. **Agencies abolished.** The following agencies are abolished:

(1) The boulder river school construction committee, provided for in laws of Montana, 1963, H.B. 428.

(2) The council of superintendents, provided for in section 80-1406, R.C.M. 1947.

(3) The institutional chaplaincy advisory committee, administratively created.

(4) The advisory council to the state prison and the advisory council to the veterans' home, provided for in section 80-1406, R.C.M. 1947.

CHAPTER 9. DEPARTMENT OF INTERGOVERNMENTAL RELATIONS

Agencies abolished. Department of intergovernmental relations created.

82A-901. **Department of intergovernmental relations — creation; head.** There is created a department of intergovernmental relations. The department head is a director of intergovernmental relations appointed by the governor in accordance with section 82A-106 of this act.

Highway traffic safety board abolished—functions transferred.

82A-902. **Agencies abolished; functions transferred to department.** (1) The Montana highway traffic safety board, created in title 32, chapter 46, R.C.M. 1947, and its units are abolished, and their functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana highway traffic safety board means the department of intergovernmental relations.

Department of planning and economic development and commission abolished. Functions transferred.

(2) The department of planning and economic development and the planning and development commission, created in title 82, chapter 37, R.C.M. 1947, are abolished, and their functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the department of planning and economic development or the

planning and development commission means the department of intergovernmental relations.

(3) The state office of economic opportunity, administratively created, is abolished, and its functions are transferred to the department.

82A-903. **Additional functions transferred to department.** (1) The functions of the state aeronautics commission, which is created in title 1, chapter 2, R.C.M. 1947, except the quasi-judicial and quasi-legislative functions retained in the commission under section 82A-905 of this chapter, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state aeronautics commission, except references relating to the quasi-judicial and quasi-legislative functions retained in the commission under section 82A-905 of this chapter, means the department of intergovernmental relations.

Functions of aeronautics commission transferred.

(2) The office of state coordinator of Indian affairs, created in title 82, chapter 27, R.C.M. 1947, and the functions of the office, are transferred to the department.

Office and functions of coordinator of Indian affairs transferred.

(3) The functions of the state examiner with respect to the political subdivisions of the state and their officers and employees, contained in the citations of the Revised Codes of Montana, 1947, enumerated below, are transferred to the department:

Functions of state examiner transferred.

(a) Title 82, chapter 10 (pertaining to the general duties of the state examiner).

(b) Sections 5-907 and 5-910 (pertaining to examination of political subdivisions).

(c) Section 6-205 (pertaining to bonding of county officers and employees).

(d) Section 6-603 (pertaining to bonding of city or town officers or employees).

(e) Section 11-806 (pertaining to financial statements of cities or towns).

(f) Sections 11-1403, 11-1404, 11-1406, and 11-1411 (pertaining to the budget systems of cities or towns).

(g) Sections 11-1914 and 11-1923 (pertaining to investments by and examination of fire department relief associations).

(h) Section 11-3129 (pertaining to examination of cities operating under the commission form of government).

(i) Section 11-3253 (pertaining to auditing of cities operating under the commission-manager form of government).

(j) Sections 16-1901, 16-1902, 16-1903, 16-1904, and 16-1909 (pertaining to budget systems of counties).

(k) Sections 16-2001 and 16-2049 (pertaining to county finance).

(l) Sections 16-2618, 16-2621, and 16-2625 (pertaining to deposit of public funds).

(m) Sections 16-2924 and 16-2925 (pertaining to examining financial conditions of counties).

(n) Section 16-3916 (pertaining to auditing of counties operating under the county-manager form of government).

(o) Section 32-21-174 (pertaining to inspecting accounts of the interstate vehicle equipment safety commission).

(p) Sections 59-514 and 59-515 (pertaining to approval of destruction of city or town records).

(q) Section 75-1632 (pertaining to recommending bookkeeping by school trustees).

(r) Section 75-3737 (pertaining to establishing an on-farm training account).

(s) Sections 89-1215 and 89-2107 (pertaining to examination of irrigation districts).

(t) Section 89-3422 (pertaining to examination of conservancy districts).

Functions retained by state examiner.

However, in accordance with article VII, section 8 of the Montana constitution, the state examiner retains the function of examining the accounts of the state treasurer, supreme court clerks, district court clerks, and county treasurers. Unless inconsistent with this act, any reference in the citations enumerated above in this subsection to the state examiner relating to the functions transferred to the department means the department of intergovernmental relations.

82A-904. **County Printing Commission — Continued; Transfer; Renamed Board of County Printing; Composition.** (1) The county printing commission, provided for in title 16, chapter 12, R.C.M., 1947, and its functions are continued, and the commission is renamed the board of county printing. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the county printing commission means the board of county printing.

County printing commission renamed board of county printing.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

Transfer.

(3) Members of the board before the effective date of this chapter serve for the remainder of their terms. The composition, method of appointment, terms of office, and qualifications of board members remain as prescribed in scetion 16-1227, R.C.M., 1947. Members shall be compensated and reimbursed as are members of advisory councils in section 82A-110 of this act.

Members.

82A-905. **State Aeronautics Commission—Continued; Renamed Board of Aeronautics; Transfer; Functions; Designation.** (1) The state aeronautics commission, created in title 1, chapter 2, R.C.M., 1947, is continued, and the commission is renamed the board of aeronautics.

State aeronautics commission renamed board of aeronautics.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

Transfer.

(3) The board shall act in an advisory capacity to the department of those matters relating to the functions of the aeronautics commission transferred to the department in section 82A-903 of this chapter.

Advisory capacity.

(4) The board retains the quasi-judicial and quasi-legislative functions contained in sections 1-322 through 1-324, R.C.M., 1947 (pertaining to granting and suspending certificates of public convenience and necessity for air carriers, setting rates, and related matters). Unless inconsistent with this act, any reference in title 1, chapter 2, R.C.M., 1947, to the state aernautics commission relating to the quasi-judicial and quasi-legislative functions retained in the board means the board of aeronautics.

Functions.

(5) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

Quasi-judicial board.

Highway traffic safety task force abolished.

82A-906. **Governor's Highway Traffic Safety Task Force Abolished.** The governor's highway traffic safety task force, administratively created, is abolished.

CHAPTER 10. DEPARTMENT OF LABOR AND INDUSTRY.

Department of labor and industry created.

82A-1001. **Department of Labor and Industry—Creation; Head.** There is created a department of labor and industry. As prescribed in article XVIII, section 1 of the Montana constitution, the department head is the commissioner of labor and industry. The commissioner holding office before the effective date of this chapter continues as the commissioner of the department of labor and industry created by this chapter for the remainder of his term. The commissioner shall be appointed and serve as provided in article XVIII, section 1 of the Montana constitution.

Transfer of functions.

82A-1002. **Agencies Abolished; Functions Transferred to Department.** (1) The department of labor and industry, created in title 41, chapter 16, R.C.M., 1947, and its units are abolished, and their functions are transferred to the department of labor and industry created in this chapter. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the department of labor and industry or its units means the department of labor and industry created in this chapter.

Apprenticeship council abolished—functions transferred.

(2) The apprenticeship council, provided for in title 41, chapter 12, R.C.M., 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the apprenticeship council means the department of labor and industry created in this chapter.

Commission on status of women abolished—functions transferred.

(3) The commission on the status of women, administratively created, is abolished, and its functions are transferred to the department.

Transfer of additional functions.

82A-1003. **Additional functions transferred to the department.** (1) The functions of the state board of health, which are contained in title 41, chapter 22, R.C.M., 1947 (pertaining to nurses' employment practices), are transferred to the department. Unless inconsistent with this act, any reference in title 41, chapter 22, R.C.M., 1947, to the state board of health means the department of labor and industry created in this chapter.

(2) The functions of the state department of health relating to enforcing the industrial hygiene laws under section 69-4203(5), R.C.M., 1947, are transferred to the department of labor and industry created in this chapter. The department of labor and industry, on its own motion, or whenever it receives a notice of an alleged violation of the industrial hygiene laws or rules established thereunder from the department of health and environmental sciences, shall file a complaint of the alleged violation in the appropriate court and diligently pursue the action to its completion. Unless inconsistent with this act, any reference in title 69, chapter 42, R.C.M., 1947, to the state department of health relating to its enforcement functions means the department of labor and industry created in this chapter.

82A-1004. **Division of Workmen's Compensation — Creation; Head.** (1) There is created a division of workmen's compensation within the department. The division head is an administrator appointed by the governor as are directors in accordance with section 82A-106 of this act.

Division of workmen's compensation created.

(2) The division is allocated to the department for administrative purposes only as prescribed in section 82A-108 of this act. However, the division may hire its own personnel, and section 82A-108(2)(d) does not apply.

Allocation.

82A-1005. **Agencies Abolished; Functions Transferred to Division of Workmen's Compensation.** (1) The industrial accident board, created in title 92, chapter 1, R.C.M., 1947, and its units, including the department of safety, created in title 41, chapter 17, R.C.M., 1947, are abolished, and their functions, except the board's investment functions contained in title 92, chapter 13, R.C.M., 1947, transferred to the board of investments in chapter 2 of this act are transferred to the division. The administrator of the division shall make the final determinations for workmen's compensation claims. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the industrial accident board or its units, except the references relating to the board's investment functions in title 92, chapter 13, R.C.M., 1947, transferred to the board of investments in chapter 2 of this act, means the division of workmen's compensation of the department of labor and industry created in this chapter.

Industrial accident board abolished— functions transferred.

Advisory committee on boiler rules abolished—functions transferred.

(2) The advisory committee on boiler rules, created in title 69, chapter 15, R.C.M., 1947, is abolished, and its functions are transferred to the division. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the advisory committee on boiler rules means the division of workmen's compensation of the department of labor and industry created in this chapter.

Boards of examiners abolished.

Functions transferred.

(3) The board of examiners of applicants for coal mine foremen and mine examiner, and the board of examiners of applicants for state coal mine inspector, provided for in title 50, chapter 4, R.C.M., 1947, are abolished, and their functions are transferred to the division. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the board of examiners of applicants for coal mine foremen and mine examiner and the board of examiners of applicants for state coal mine inspector, means the divison of workmen's compensation of the department of labor and industry created in this chapter.

Power line construction code committee abolished—functions transferred.

(4) The power line construction code committee, administratively created, is abolished, and its functions are transferred to the division.

Division of employment security created.

82A-1006. **Division of Employment Security — Creation; Head; Bureaus.** (1) There is created a division of employment security within the department. The division head is an administrator appointed by the commissioner of labor and industry.

Bureaus.

(2) Within the division of employment security are the following bureaus:

Employment service.

(a) The bureau of Montana state employment service.

Unemployment insurance.

(b) The bureau of Montana unemployment insurance.

Other bureaus.

Each bureau shall be headed by a full-time chief appointed by the administrator. The administrator shall establish such other bureaus within the division as are required for the receipt of federal funds. Personnel of the division shall be employed in accordance with merit system standards.

Employment security commission abolished—functions transferred.

82A-1007. **Employment Security Commission Abolished —Functions transferred to Division of Employment Security.** The employment security commission of Montana, created in title 87, chapter 1, R.C.M., 1947, and its

units are abolished, and their functions, except the quasi-judicial functions transferred to the board of labor appeals in section 82A-1009 of this chapter, are transferred to the division of employment security.

82A-1008. **Board of Labor Appeals—Creation; Allocation; Composition; Function; Designation.** (1) There is created a board of labor appeals. Board of labor appeals created.

(2) The board is allocated to the department for administrative purposes only as prescribed in section 82A-108 of this act. Allocation.

(3) The board is composed of three (3) members of the public, who are not employees of the state government, appointed by the governor as prescribed in section 82A-112 of this act. Three members appointed.

(4) The board shall act in a quasi-judicial capacity for the hearing of disputes concerning the administration of Montana's unemployment insurance laws. Quasi-judicial capacity.

(5) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act. Quasi-judicial board.

82A-1009. **Functions transferred to Board of Labor Appeals.** The quasi-judicial functions of the employment security commission of Montana, contained in title 87, chapter 1, R.C.M., 1947 (pertaining to the unemployment compensation laws), are transferred to the board. Unless inconsistent with this act, any reference in title 87, chapter 1, R.C.M., 1947, to the employment security commission of Montana relating to the quasi-judicial functions transferred to the board of labor appeals means the board of labor appeals. Quasi-judicial functions of employment security commission transferred.

82A-1010. **Additional agencies abolished.**. The following agencies are abolished: Additional agencies abolished.

(1) The labor safety study commission, provided for in title 41, chapter 21, R.C.M., 1947.

(2) The state board of arbitration and conciliation, created in title 41, chapter 9, R.C.M., 1947.

CHAPTER 11. DEPARTMENT OF STATE LANDS.

82A-1101. **Department of State Lands — Creation; Head.** There is created a department of state lands. The department head is the state board of land commissioners, Department of state lands created.

created in article XI, section 4 of the Montana constitution.

Department of state lands and investments abolished—functions transferred.

82A-1102. **Agencies abolished; Functions transferred to department.** (1) The department of state lands and investments, provided for in title 81, chapter 1, R.C.M., 1947, is abolished, and its functions are transferred to the department of state lands created in this chapter. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the department of state lands and investments means the department of state lands created in this chapter.

Commissioner of state lands and investments abolished—functions transferred.

(2) The office of commissioner of state lands and investments, created in title 81, chapter 2, R.C.M., 1947, is abolished, and its functions are transferred to the department of state lands. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the commissioner of state lands and investments means the department of state lands created in this chapter.

Functions of board of land commissioners transferred.

82A-1103. **Functions of Board of Land Commissioners continued.** The functions of the state board of land commissioners, which is created in article XI, section 4 of the Montana constitution, except the investment functions transferred to the board of investments and enumerated in chapter 2 of this act, are continued in the board.

Commissioner of state lands created —functions.

82A-1104. **Commissioner of State Lands — Creation;** (1) There is created the position of commissioner of state lands.

(2) The commissioner is the chief administrative officer of the department under the direction of the state board of land commissioners, and he shall perform those functions that are delegated to him by the board.

Appointment.

(3) The commissioner shall be appointed and serve as provided for directors in section 82A-106 of this act.

CHAPTER 12. DEPARTMENT OF LAW ENFORCEMENT AND PUBLIC SAFETY

Department of law enforcement and public safety created.

82A-1201. **Department of Law Enforcement and Public Safety—Creation; Head.** There is created a department of law enforcement and public safety. The department head is the attorney general.

Bureau of criminal identification abolished—functions transferred.

82A-1202. **Agencies abolished; Functions transferred to department.** (1) The state bureau of criminal identification and investigation, provided for in title 80, chap-

ter 20, R.C.M., 1947, is abolished, and its statutory functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state bureau of criminal identification and investigation means the department of law enforcement and public safety.

Criminal investigator abolished—functions transferred.

(2) The position of criminal investigator created within the office of the attorney general in title 82, chapter 4, R.C.M., 1947, is abolished, and the functions of the position are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the position of criminal investigator means the department of law enforcement and public safety.

Law enforcement teletype writer communications committee abolished —functions transferred.

(3) The state law enforcement teletypewriter communications committee, provided for in title 82, chapter 39, R.C.M., 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the law enforcement teletypewriter communications committee means the department of law enforcement and public safety.

Montana law enforcement academy advisory board abolished—functions transferred.

(4) The Montana law enforcement academy advisory board, provided for in title 75, chapter 52, R.C.M., 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana law enforcement academy advisory board means the department of law enforcement and public safety.

State fire marshall abolished—functions transferred.

(5) The office of state fire marshal, created in title 82, chapter 12, R.C.M., 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the office of state fire marshal means the department of law enforcement and public safety.

Building code council abolished—functions transferred.

(6) The state building code council, created in title 69, chapter 21, R.C.M., 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state building code council means the department of law enforcement and public safety.

Other functions transferred.

82A-1203. **Additional functions transferred to department.** (1) The functions of the state electrical board of making inspections of electrical installations and issuing tags and charging fees therefor in section 66-2805(c)(i), R.C.M., 1947, and of establishing an electrical code in section 66-2802(i), R.C.M., 1947, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state electrical board relating to its functions of making inspections of electrical installations and issuing tags and charging fees therefor or of establishing an electrical code means the department of law enforcement and public safety.

(2) The functions of the state controller and the department of administration, which are contained in title 69, chapter 21, R.C.M., 1947 (pertaining to the state building code), are transferred to the department. Unless inconsistent with this act, any reference in title 69, chapter 21, R.C.M., 1947, to the state controller or the department of administration means the department of law enforcement and public safety.

(3) The function of the secretary of state of registering machine guns in section 94-3108, R.C.M., 1947, is transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the secretary of state relating to his function of registering machine guns means the department of law enforcement and public safety.

Division of motor vehicles created.

82A-1204. **Division of Motor Vehicles — Creation.** There is created a division of motor vehicles within the department.

Registrar of motor vehicles abolished—functions transferred.

82A-1205. **Agencies abolished; Functions transferred to division.** (1) The position of registrar of motor vehicles, trailers and semitrailers, created in title 53, chapter 1, R.C.M., 1947, is abolished, and the functions of the position , except the function of providing license plates for motor vehicles provided for in title 53, chapter 1, R.C.M., 1947, are transferred to the division of motor vehicles. The function of providing license plates remains a function of the warden of the state prison. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the registrar of motor vehicles, trailers and semitrailers, except the references relating to the function of providing license plates, means

the division of motor vehicles of the department of law enforcement and public safety.

Highway patrol board abolished—functions transferred.

(2) The Montana highway patrol board, provided for in title 31, chapter 1, R.C.M., 1947, is abolished, and its functions, except the function of appointing the highway patrol chief in section 31-104, R.C.M., 1947, which is hereby transferred to the attorney general, are transferred to the division of motor vehicles. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana highway patrol board means the division of motor vehicles of the department of law enforcement and public safety, except references in section 31-104, R.C.M., 1947, relating to the function of appointing the highway patrol chief, where it means the attorney general.

Functions of highway patrol and chief transferred.

82A-1206. **Functions of highway patrol and highway patrol chief transferred to division.** The functions of the highway patrol, which is created in title 31, chapter 1, R.C.M., 1947, and of the position of highway patrol chief, which is provided for in title 31, chapter 1, R.C.M., 1947, are transferred to the division of motor vehicles.

Crime control commission created by law.

82A-1207. **Board of Crime Control—Creation; Continued; Transfer; Composition.** (1) The administratively created agency known as the governor's crime control commission is hereby created by law as the board of crime control, and its functions are continued.

Transfer.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act. However, the board may hire its own personnel, and section 82A-108(2)(d) does not apply.

Sixteen members appointed—qualifications.

(3) The board is composed of sixteen (16) members appointed by the governor. The board shall be representative of state and local law enforcement agencies and units of general local government.

Functions.

(4) As designated by the governor as the state planning agency under the Omnibus Crime Control and Safe Streets Act of 1968, the board shall perform the functions assigned to it under that act.

Terms.

(5) The members of the governor's crime control commission before the effective date of this chapter continue as members of the board of crime control for the remainder of the governor's term; thereafter members shall be

appointed in accordance with section 82A-112(1)(b) of this act.

Quasi-judicial board.

(6) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act, but section 82A-112 (2)(b) does not apply.

Fire prevention advisory commission abolished.

82A-1208. **Fire Prevention Advisory Commission abolished.** The fire prevention advisory commission, provided for in section 82-1201, R.C.M., 1947, is abolished.

CHAPTER 13. DEPARTMENT OF LIVESTOCK

Department of livestock created.

82A-1301. **Department of Livestock—Creation; Head.** There is created a department of livestock. The department head is the board of livestock provided for in section 82A-1303 of this chapter.

Functions transferred.

82A-1302. **Functions transferred to department.** The functions of the department of agriculture and of the commissioner of agriculture, which are contained in the citations of the Revised Codes of Montana, 1947, enumerated below, are transferred to the department:

(1) Title 3, chapter 22 (pertaining to poultry improvement), chapter 23 (pertaining to eggs and egg dealers), chapter 24 (pertaining to dairy products), and chapter 25 (pertaining to quality labels).

(2) Title 27, chapter 5 (pertaining to oleomargarine regulation).

References.

Unless inconsistent with this act, any reference in title 3, chapters 22 through 24, and in title 27, chapter 5, R.C.M., 1947, to the department of agriculture or the commissioner of agriculture means the department of livestock. Unless inconsistent with this act, any reference in title 3, chapter 25, R.C.M., 1947, to the department of agriculture or the commissioner of agriculture means the department of livestock or the department of agriculture created in chapter 3 of this act, whichever is applicable.

Livestock commission renamed board of livestock.

82A-1303. **Livestock Commission — Continued; Renamed Board of Livestock; Composition.** (1) The livestock commission, provided for in title 46, chapter 1, R.C.M., 1947, and its functions are continued, and the commission is renamed the board of livestock. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the livestock commission means the board of livestock.

Members.

(2) Members of the board before the effective date of this chapter continue as members for the remainder of their terms. The composition, method of selection, and terms of office of members of the board remain as prescribed in section 46-101, R.C.M., 1947, except:

Confirmation by senate.

(a) An appointee is vested with all the powers and duties of his office before being confirmed by the senate, as are directors in section 82A-106(2) of this act.

Chairman.

(b) The governor shall designate the chairman of the board.

Compensation.

(3) Members of the board shall be reimbursed and compensated as are members of quasi-judicial boards in section 82A-112(1)(e) of this act.

Livestock sanitary board abolished—functions transferred.

82A-1304. **Livestock Sanitary Board abolished; Functions transferred to Board of Livestock.** The livestock sanitary board, provided for in title 46, chapter 2, R.C.M., 1947, is abolished, and its functions are transferred to the board of livestock. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the livestock sanitary board means the board of livestock.

Advisory committee on predatory animal control abolished.

82A-1305. **Advisory Committee on Predatory Animal Control abolished.** The advisory committee on predatory animal control, provided for in section 46-1903, R.C.M., 1947, is abolished.

CHAPTER 14. DEPARTMENT OF MILITARY AFFAIRS.

Department of military affairs created.

82A-1401. **Department of Military Affairs—Creation; Head.** There is created a department of military affairs. The department head is the adjutant general of the state, who shall be appointed and serve in the same manner as are directors in section 82A-106 of this act. In addition, the qualifications of the adjutant general remain as prescribed in section 77-117, R.C.M., 1947.

Adjutant general's department abolished—functions transferred.

82A-1402. **Agencies abolished; Functions transferred to department.** (1) The adjutant general's department, provided for in title 77, chapter 1, R.C.M., 1947, is abolished, and its functions are transferred to the department of military affairs. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the adjutant general's department means the department of military affairs.

Civil defense agency abolished—functions transferred.

(2) The state civil defense agency, created in title 77, chapter 13, R.C.M., 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state civil defense agency means the department of military affairs.

Director of civil defense abolished—functions transferred.

(3) The position of director of civil defense, created in title 77, chapter 13, R.C.M., 1947, is abolished, and the functions of the position are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the position of director of civil defense means the department of military affairs.

Emergency resource management abolished—functions transferred.

(4) The office of emergency resource management, created in title 77, chapter 15, R.C.M., 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the office of emergency resource management means the department of military affairs.

Emergency planning director abolished—functions transferred.

(5) The office of state emergency planning director, provided for in title 77, chapter 15 ,R.C.M., 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the office of state emergency planning director means the department of military affairs.

Functions of adjutant general transferred.

82A-1403. **Functions of adjutant general transferred to department.** The functions of the position of adjutant general, which is created in title 77, chapter 1, R.C.M., 1947, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the position of adjutant general means the department of military affairs.

Additional agencies abolished.

82A-1404. **Additional agencies abolished.** The following agencies are abolished:

(1) The civil defense advisory council, created in section 77-1305, R.C.M., 1947.

(2) The state emergency resource planning committee, provided for in section 77-1504, R.C.M., 1947.

(3) The training and education coordination committee, administratively created.

CHAPTER 15. DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION.

Department of natural resources and conservation created.

82A-1501. **Department of Natural Resources and Conservation—Creation; Head.** There is created a department of natural resources and conservation. The department head is the director of natural resources and conservation provided for in section 82A-1508 of this chapter.

Grass conservation commission abolished—functions transferred.

82A-1502. **Agencies abolished; Functions transferred to department.** The Montana grass conservation commission, created in title 46, chapter 23, R.C.M., 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana grass conservation commission means the department of natural resources and conservation.

Additional functions transferred.

82A-1503. **Additional functions transferred to department.** (1) The functions of the state board of health, which are contained in title 50, chapter 11, R.C.M., 1947 (pertaining to dredge mining regulation), are transferred to the department. Unless inconsistent with this act, any reference in title 50, chapter 11, R.C.M., 1947, to the state board of health means the department of natural resources and conservation.

(2) The functions of the Montana bureau of mines and geology, which are contained in title 50, chapter 10, R.C.M., 1947 (pertaining to strip coal mining regulation), are transferred to the department. Unless inconsistent with this act, any reference in title 50, chapter 10, R.C.M., 1947, to the Montana bureau of mines and geology means the department of natural resources and conservation.

Divisions created.

82A-1504. **Divisions of Water Resources, Forestry and Conservation Districts — Creation.** (1) The following divisions of the department are created:

Water resources.

(a) Division of water resources.

Forestry.

(b) Division of forestry.

Conservation districts.

(c) Division of conservation districts.

Administrators.

(2) Each division shall be headed by an administrator. The administrator of the division of forestry shall be technically trained and experienced in forestry and a graduate of an accredited forestry school.

Water resources board abolished—functions transferred.

82A-1505. **Agencies abolished; Functions transferred to divisions.** (1) The Montana water resources board and its units, created in title 89, chapter 1, R.C.M., 1947, are abolished, and their functions are transferred to the division of water resources. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana water resources board or its units means the division of water resources of the department of natural resources and conservation.

Board of forestry abolished—functions transferred.

(2) The Montana state board of forestry and its units, created in title 28, chapter 1, R.C.M., 1947, are abolished, and their functions are transferred to the division of forestry. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana state board of forestry means the division of forestry of the department of natural resources and conservation.

State forester abolished—functions transferred.

(3) The position of state forester, provided for in title 81, chapter 14, R.C.M., 1947, is abolished, and the functions of the position are transferred to the division of forestry. However, as prescribed in article XI, section 4 of the Montana constitution and in section 81-103, R.C.M., 1947, the state board of land commissioners continues to retain the direction, control, leasing and sale of the state school lands and the land granted for the support and benefit of the various educational institutions and state lands; any functions performed by the division of forestry relating to these lands are subject to the direction and control of the state board of land commissioners. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the position of state forester means the division of forestry within the department of natural resources and conservation.

Functions retained by board of land commissioners.

Functions of soil conservation committee transferred.

82A-1506. **Additional functions transferred to division.** The functions of the state soil conservation committee, created in title 76, chapter 1, R.C.M., 1947, are transferred to the division of conservation districts. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state soil conservation committee means the division of conservation districts of the department of natural resources and conservation.

State soil conservation committee.

82A-1507. **State Soil Conservation Committee—Continued; Membership; Functions.** (1) The state soil conservation committee, created in title 76, chapter 1, R.C.M., 1947, is continued.

(2) Committee membership remains as prescribed in section 76-104, R.C.M., 1947. Members.

(3) After the effective date of this chapter, appointed committee members serve at the pleasure of the governor. Terms.

(4) The committee shall act in an advisory capacity to the department on matters relating to soil conservation districts. Advisory capacity.

(5) Subsection (5) through (8) of section 82A-110 of this act applies to the committee and members.

82A-1508. **Oil and Gas Conservation Commission—Continued; Renamed Board of Oil and Gas; Transfer; Designation.** (1) The oil and gas conservation commission of the state of Montana, created in title 60, chapter 1, R.C.M., 1947, and its functions are continued, and the commission is renamed the board of oil and gas conservation. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the oil and gas conservation commission of the state of Montana means the board of oil and gas conservation. Oil and gas conservation commission renamed board of oil and gas conservation.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act. However, the board may hire its own personnel, and section 82A-108(2)(d) of this act does not apply. Transfer.

(3) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act. Quasi-judicial board.

82A-1509. **Board of Natural Resources and Conservation—Creation; Composition; Designation.** (1) There is created a board of natural resources and conservation. Board of natural resources and conservation created.

(2) The board is composed of five (5) members, appointed by the governor as prescribed in section 82A-112 of this act, informed and experienced in the subjects of natural resources and conservation. One member shall be appointed from each of the five (5) districts prescribed in section 26-102(1), R.C.M., 1947. Five members appointed.

(3) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act. Quasi-judicial board.

82A-1510. **Director of Natural Resources and Conservation—Creation.** There is created the position of director of natural resources and conservation. The director Position of director created—appointment.

shall be appointed by the governor in the manner set forth in section 82A-106 of this act for directors who are department heads. Section 82A-107 of this act applies to the director as a department head, subject to the concurrence of the board of natural resources and conservation. The director is the chief administrative officer of the department, and in addition he shall perform those functions that are delegated to him by the board of natural resources and conservation.

Functions.

Additional agencies abolished.

82A-1511. **Additional agencies abolished.** The following agencies are abolished:

(1) The council on natural resources and development, created in section 82-3001, R.C.M., 1947.

(2) The outdoor recreation advisory and planning committee, created in section 62-404, R.C.M., 1947.

(3) The weather modification advisory committee, provided for in section 89-312, R.C.M., 1947.

CHAPTER 16. DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING.

Department of professional and occupational licensing created.

82A-1601. **Department of Professional and Occupational Licensing—Creation; Head.** There is created a department of professional and occupational licensing. The department head is a director of professional and occupational licensing appointed by the governor in accordance with section 82A-106 of this act.

Agencies. transferred.

82A-1602. **Department—Agencies transferred to.** The following agencies are continued, are transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act, and are renamed as indicated:

Abstracters board of examiners renamed board of abstracters.

(1) Abstractors board of examiners, created in title 66, chapter 21, R.C.M., 1947, renamed the board of abstractors. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the abstractors board of examiners means the board of abstractors.

State board of public accountancy renamed board of public accountants.

(2) State board of public accountancy, created in title 66, chapter 18, R.C.M., 1947, renamed the board of public accountants. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of public accountancy means the board of public accountants.

Board of architectural examiners renamed board of architects.

(3) Board of architectural examiners, provided for in title 66, chapter 1, R.C.M., 1947, renamed the board of architects. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the board of architectural examiners means the board of architects.

State athletic commission renamed board of athletics.

(4) State athletic commission, created in title 82, chapter 3, R.C.M., 1947, renamed the board of athletics. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state athletic commission means the board of athletics.

Board of barber examiners renamed board of barbers.

(5) Board of barber examiners, created in title 66, chapter 4, R.C.M., 1947, renamed the board of barbers. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the board of barber examiners means the board of barbers.

Board of chiropody medical examiners renamed board of chiropodists.

(6) State board of chiropody medical examiners, created in title 66, chapter 6, R.C.M., 1947, renamed the board of chiropodists. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of chiropody medical examiners means the board of chiropodists.

Board of chiropractic examiners renamed board of chiropractors.

(7) State board of chiropractic examiners, created in title 66, chapter 5, R.C.M., 1947, renamed the board of chiropractors. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of chiropractic examiners means the board of chiropractors.

Examining board of cosmetology renamed board of cosmetologists.

(8) Montana state examining board of cosmetology, created in title 66, chapter 8, R.C.M., 1947, renamed the board of cosmetologists. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana state examining board of cosmetology means the board of cosmetologists.

Board of dental examiners renamed board of dentists.

(9) State board of dental examiners of the state of Montana, created in title 66, chapter 9, R.C.M., 1947, renamed the board of dentists. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of dental examiners of the state of Montana means the board of dentists.

Electrical board renamed board of electricians.

(10) State electrical board, created in title 66, chapter 28, R.C.M., 1947, renamed the board of electricians. Unless inconsistent with this act, any reference in the

Revised Codes of Montana, 1947, to the state electrical board, except the references relating to the functions of making inspections of electrical installations and issuing tags and charging fees therefor or of establishing an electrical code, transferred to the department of law enforcement and public safety in chapter 12 of this act, means the board of electricians.

Board of registration—engineers and surveyors—renamed board of professional engineers and land surveyors.

(11) State board of registration for professional engineers and land surveyors, created in title 66, chapter 23, R.C.M., 1947, renamed the board of professional engineers and land surveyors. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of registration for professional engineers and land surveyors means the board of professional engineers and land surveyors.

Board of hearing aid dispensers.

(12) Montana board of hearing aid dispensers, created in title 66, chapter 30, R.C.M., 1947, renamed the board of hearing aid dispensers. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana board of hearing aid dispensers means the board of hearing aid dispensers.

Horse racing commission renamed board of horse racing.

(13) Montana horse racing commission, created in title 62, chapter 5, R.C.M., 1947, renamed the board of horse racing. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana horse racing commission means of the board of horse racing.

Board of massage examiners renamed board of masseurs.

(14) State board of massage examiners, created in title 66, chapter 29, R.C.M., 1947, renamed the board of masseurs. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of massage examiners means the board of masseurs.

Board of medical examiners renamed board of medical doctors.

(15) Montana state board of medical examiners, created in title 66, chapter 10, R.C.M., 1947, renamed the board of medical doctors. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana state board of medical examiners means the board of medical doctors.

Board of morticians.

(16) State board of morticians, created in title 66, chapter 27, R.C.M., 1947, renamed the board of morticians. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the board of morticians means the board of morticians.

Board of examiners for nursing home administrators renamed board of nursing home administrators.

(17) State board of examiners for nursing home administrators, created in title 66, chapter 31, R.C.M., 1947, renamed the board of nursing home administrators. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of examiners for nursing home administrators means the board of nursing home administrators.

Board of nursing renamed board of nurses.

(18) Montana state board of nursing, created in title 66, chapter 12, R.C.M., 1947, renamed the board of nurses. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana state board of nursing means the board of nurses.

Board of examiners in optometry renamed board of optometrists.

(19) Montana state board of examiners in optometry, created in title 66, chapter 13, R.C.M., 1947, renamed the board of optometrists. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana state board of examiners in optometry means the board of optometrists.

Board of osteopathic examiners renamed board of osteopaths.

(20) State board of osteopathic examiners, provided for in title 66, chapter 14, R.C.M., 1947, renamed the board of osteopaths. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of osteopathic examiners means the board of osteopaths.

Board of pharmacy renamed board of pharmacists.

(21) Montana state board of pharmacy, created in title 66, chapter 15, R.C.M., 1947, renamed the board of pharmacists. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana state board of pharmacy means the board of pharmacists.

Board of plumbing examiners renamed board of plumbers.

(22) Board of plumbing examiners (or the state plumbing board), provided for in title 66, chapter 24, R.C.M., 1947, renamed the board of plumbers. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the board of plumbing examiners or the state plumbing board means the board of plumbers.

Real estate commission renamed board of real estate.

(23) Montana real estate commission, created in title 66, chapter 19, R.C.M., 1947, renamed the board of real estate. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana real estate commission means the board of real estate.

Board of veterinary medical examiners renamed board of veterinarians.

(24) State board of veterinary medical examiners, created in title 66, chapter 22, R.C.M., 1947, renamed the board of veterinarians. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of veterinary medical examiners means the board of veterinarians.

Board of certification for water and waste operators renamed board of water and waste water operators.

(25) Board of certification for water and waste water operators, provided for in title 69, chapter 59, R.C.M., 1947, renamed the board of water and waste water operators. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the board of certification for water and waste water operators means the board of water and waste water operators.

Water well contractors' examining board renamed board of water well contractors.

(26) Water well contractors' examining board of the state of Montana, created in title 66, chapter 26, R.C.M., 1947, renamed the board of water well contractors. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the water well contractors' examining board of the state of Montana means the board of water well contractors.

Duties of department.

82A-1603. **Department—Duties.** In addition to the provisions of section 82A-108 of this act, the department shall:

(1) Provide all the administrative and clerical services needed by the boards within the department, including corresponding, taking applications for licenses, issuing licenses granted by the boards, renewing licenses, registering, taking minutes of board meetings and hearings, and filing.

(2) Standardize and keep in Helena all official records of the boards.

(3) Make arrangements and provide facilities in Helena for the meetings, hearings, and examinations of each board, or elsewhere in the state if requested by the board.

(4) Administer and grade examinations required by each board or by law for licensing, unless the board determines that experts or professionals are necessary to administer or grade a particular examination.

(5) At the request of a board, investigate complaints received by the department of illegal or unethical conduct of a member of the profession or occupation under the jurisdiction of a board within the department.

(6) Assess the costs of the department to the boards on a pro rata basis according to the number of man-days and the actual operating costs of the department for each board.

82A-1604. **Director—Duties.** In addition to his powers and duties under section 82A-107 and 82A-108 of this act, the director shall: Duties of director.

(1) Appoint impartial legal counsel to conduct hearings before each board within the department whenever any board holds a hearing. The legal counsel appointed shall see that hearings are conducted in a proper and legal manner.

(2) Whenever the department conducts an investigation of a complaint of illegal or unethical conduct of a member of a particular profession or occupation as prescribed in section 82A-1603(5) of this chapter, and if requested by the appropriate board, appoint an impartial member of that profession or occupation to assist the department in its investigation. The member so appointed may not be a member of the board having jurisdiction over the particular profession or occupation.

(3) Hire all personnel to perform the administrative and clerical functions of the department for the boards. Boards within the department have no authority to hire personnel.

82A-1605. **Boards within department—Duties.** Except for the inspection and code-making functions of the state electrical board transferred to the department of law enforcement and public safety and enumerated in chapter 12 of this act, and subject to the administrative control of the department and the director of professional and occupational licensing as set forth in section 82A-108 of this act and under this chapter, each agency transferred to the department shall continue to exercise its prescribed statutory functions. In addition, each board within the department shall: Duties of boards within the department.

(1) Set and enforce standards, rules, and regulations governing the licensing, certification, registration, and conduct of the members of the particular profession or occupation within its jurisdiction.

(2) Sit in judgment in hearings for the suspension, revocation, or denial of a license of an actual or potential

member of the particular profession or occupation within its jurisdiction. The hearings shall be conducted by the legal counsel appointed under section 82A-1604(1) of this chapter.

(3) Pay to the department its pro rata share of the assessed costs of the department under section 82A-1603 (6).

Members.

82A-1606. **Board within department — Composition, etc.** The members of boards within the department before the effective date of this chapter continue as members for the remainder of their terms. The composition, qualifications, method of appointment, terms of office, compensation, and reimbursement of the members of the boards within the department remain as prescribed by law, except:

Replacement designations enumerated.

(1) The executive officer of the Montana state department of health, or his designee, and the administrator of the Montana state department of public welfare, or his designee, are replaced by the director of the department of health and environmental sciences, or his designee, and the director of the department of social and rehabilitation services, or his designee, respectively, on the Montana state board of examiners for nursing home administrators, renamed the board of nursing home administrators in this chapter.

(2) The appointed representative of the state board of health is replaced by the appointed representative of the department of health and environmental sciences on the board of plumbing examiners, renamed the board of plumbers in this chapter.

(3) The director of the division of environmental sanitation or a qualified member of his staff appointed by the director is replaced by the administrator of the division of environmental sciences of the department of health and environmental sciences or a qualified member of his staff appointed by the administrator on the board of certification for water and waste water operators, renamed the board of water and waste water operators in this chapter.

(4) The state engineer and the director of the division of environmental sanitation of the state board of health are replaced by the administrator of the division of water resources of the department of natural resources

and conservation and the administrator of the division of environmental sciences of the department of health and environmental sciences, respectively, on the water well contractors' examining board of the state of Montana, renamed the board of water well contractors in this chapter.

CHAPTER 17. DEPARTMENT OF PUBLIC SERVICE REGULATION.

Department of public service regulation created.

82A-1701. **Department of Public Service Regulation—Creation; Head.** There is created a department of public service regulation. The department head is the public service commission provided for in section 82A-1702 of this chapter.

Public service commission.

82 A-1702. **Public Service Commission — Continued; Composition.** (1) The public service commission, created in title 70, chapter 1, R.C.M., 1947, and its functions are continued.

Members.

(2) The composition, method of selection, and terms of office of members of the commission remain as prescribed in section 72-101, R.C.M., 1947. Members of the board of railroad commissioners ex officio public service commission before the effective date of this chapter continue as members of the public service commission for the remainder of their terms.

Board of railroad commissioners abolished—functions transferred.

82A-1703 **Board of Railroad Commissioners abolished; Functions transferred to department.** The board of railroad commissioners of the state of Montana, created in title 72, chapter 1, R.C.M., 1947, is abolished, and its functions are transferred to the public service commission. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the board of railroad commissioners means the public service commission.

CHAPTER 18. DEPARTMENT OF REVENUE.

Department of revenue created.

82A-1801. **Department of Revenue—Creation; Head.** There is created a department of revenue. The department head is the state board of equalization, provided for in article XII, section 15 of the Montana constitution.

Functions transferred.

82A-1802. **Additional functions transferred to department.** The functions of the secretary of state, which are contained in section 14-528, R.C.M., 1947 (pertaining to rural electric and telephone cooperatives license tax),

are transferred to the department. Unless inconsistent with this act, any reference to the secretary of state in section 14-528, R.C.M., 1947, means the department of revenue.

Functions continued.

82A-1803. **Functions of the State Board of Equalization continued.** (1) The functions of the state board of equalization are continued in the board, which board is created in article XII, section 15 of the Montana constitution.

Advisory council.

(2) The board shall appoint an advisory council for the purpose of complying with article VI, section 1 (b) of the multi-state tax compact, section 84-6701, R.C.M., 1947. The council shall be appointed in accordance with the provisions of section 82A-110 of this act.

Director of revenue.

82A-1804. **Director of Revenue—Creation.** (1) There is created the position of director of revenue.

Duties.

(2) The director is the chief administrative officer of the department under the direction of the state board of equalization and he shall perform those functions that are delegated to him by the board and in addition shall prepare revenue estimates of state revenue from all sources and shall continuously study fiscal problems and tax structures of state and local governments and submit the studies to the governor and legislative assembly at their request.

Appointment.

(3) The director of revenue shall be appointed and serve as provided for directors in section 82A-106 of this act.

Montana liquor control board.

82A-1805. **Montana Liquor Control Board—Continued; Transfer; Designation.** (1) The Montana liquor control board, recated in title 4, chapter 1, R.C.M., 1947, and its functions are continued.

Transfer.

(2) The board is transferred to the department of revenue for administrative purposes only as prescribed in section 82A-108 of this act. However, the board may hire its own personnel, and section 82A-108(2)(d) does not apply.

Quasi-judicial board.

(3) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

Tax compact advisory committee abolished.

82A-1806. **Multistate Tax Compact Advisory Committee abolished.** The multistate tax compact advisory com-

mittee, provided for in section 84-6704, R.C.M., 1947, is abolished.

CHAPTER 19. DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES.

Department of social and rehabilitation services created.

82A-1901. **Department of Social and Rehabilitation Services—Creation; Head.** There is created a department of social and rehabilitation services. The department head is a director of social and rehabilitation services appointed by the governor in accordance with section 82A-106 of this act.

Department and board—public welfare—abolished.

82A-1902. **Agencies abolished; Functions transferred to department.** (1) The state department of public welfare and its units, including the state board of public welfare and the state administrator of public welfare, created in title 71, chapter 2, R.C.M., 1947, are abolished, and their functions, except the quasi-judicial functions transferred to the board of social and rehabilitation appeals in section 82A-1907 of this chapter, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state department of public welfare, the state board of public welfare, or the state administrator of public welfare, except the references relating to the quasi-judicial functions transferred to the board of social and rehabilitation appeals in section 82A-1907 of this chapter, means the department of social and rehabilitation services.

Functions transferred.

References.

Division of vocational rehabilitation abolished—functions transferred.

(2) The division of vocational rehabilitation, created in title 41, chapter 8, R.C.M., 1947, under the jurisdiction of the state board of education, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the division of vocational rehabilitation means the department of social and rehabilitation services.

Commission on aging abolished—functions transferred.

(3) The commission on aging, created in title 82, chapter 35, R.C.M., 1947, is abolished, and its functions, except the quasi-judicial functions transferred to the board of social and rehabilitation appeals in section 82A-1907 of this chapter, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the commission on aging, except the references relating to the quasi-judicial functions transferred to the board of social and rehabili-

tation appeals in section 82A-1907 of this chapter, means the department of social and rehabilitation services.

Council on human resources abolished.

(4) The council on human resources, administratively created, is abolished, and its functions are transferred to the department.

Functions transferred.

82A-1903. **Additional functions transferred to department.** The functions of the state board of education which are contained in title 41, chapter 8, R.C.M., 1947 (pertaining to vocational rehabilitation and education), except the quasi-judicial functions transferred to the board of social and rehabilitation appeals in section 82A-1907 of this chapter, are transferred to the department. Unless inconsistent with this act, any reference in title 41, chapter 8, R.C.M., 1947, to the state board of education, except the references relating to the quasi-judicial functions transferred to the board of social and rehabilitation appeals in section 82A-1907 of this chapter, means the department of social and rehabilitation services.

County departments of public welfare continued—supervision.

82A-1904. **County Departments of Public Welfare—Continued; Supervision.** The county departments of public welfare, including the county boards of public welfare, created in title 71, chapter 2, R.C.M., 1947, are continued, and are under the supervision of the department.

Veterans' welfare commission renamed board of veterans' affairs.

82A-1905. **Veterans' Welfare Commission — Continued; Renamed Board of Veterans' Affairs; Transfer.** (1) The veterans' welfare commission of the state of Montana, created in title 77, chapter 10, R.C.M., 1947, and its functions are continued, and the commission is renamed the board of veterans' affairs. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the veterans' welfare commission of the state of Montana means the board of veterans' affairs.

Transfer.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act. However, the board may hire its own personnel, and section 82A-108 (2)(d) of this act does not apply.

Term of office.

(3) Members of the board before the effective date of this chapter serve for the remainder of their terms. The composition, method of appointment, terms of office, and qualifications of board members remain as prescribed in section 70-1001, R.C.M., 1947. Members shall be compen-

Compensation.

sated and reimbursed as are members of advisory councils under section 82A-110 of this act.

82A-1906. **Board of Social and Rehabilitation Appeals —Creation; Allocation; Composition; Functions; Designation.** (1) There is created a board of social and rehabilitation appeals.

Board of social and rehabilitation appeals allocation.

(2) The board is allocated to the department for administrative purposes only as prescribed in section 82A-108 of this act.

(3) The board consists of three (3) members, appointed by the governor as prescribed in section 82A-112 of this act, as follows:

Three members appointed.

(a) The director of the department, who shall act as chairman of the board. The director does not have a term on the board as a board member, but shall serve at the pleasure of the governor.

Director.

(b) Two members of the general public.

(4) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act. For purposes of that section, a majority shall be considered as one (1).

Quasi-judicial board.

82A-1907. **Functions transferred to Board of Social and Rehabilitation Appeals.** (1) The quasi-judicial functions of the state department of public welfare, including the state board of public welfare, which are contained in title 71, chapters 2 through 7, 12, 14, and 15, R.C.M., 1947 (pertaining to public welfare), are transferred to the board of social and rehabilitation appeals. Unless inconsistent with this act, any reference in title 71, chapters 2 through 7, 12, 14, and 15, R.C.M., 1947, to the state department of public welfare or to the state board of public welfare relating to the quasi-judicial functions transferred to the board of social and rehabilitation appeals means the board of social and rehabilitation appeals.

Functions transferred.

References.

(2) The quasi-judicial functions of the state board of education, which are contained in title 41, chapter 8, R.C.M., 1947 (pertaining to vocational rehabilitation and education), are transferred to the board of social and rehabilitation appeals. Unless inconsistent with this act, any reference in title 41, chapter 8, R.C.M., 1947, to the state board of education relating to the quasi-judicial

Functions transferred.

functions transferred to the board of social and rehabilitation appeals means the board of social and rehabilitation appeals.

Functions transferred.

(3) The quasi-judicial functions of the commission on aging, which are contained in the "State Plan for Aging" submitted to and approved by the administration on aging of the division of social and rehabilitative services of the United States department of health, education and welfare in 1965, are transferred to the board of social and rehabilitation appeals.

Additional agencies abolished.

82A-1908. **Additional agencies abolished.** The following agencies are abolished:

(1) The day care advisory council, provided for in section 10-803, R.C.M., 1947.

(2) The personnel committee of the department of public welfare, administratively created.

(3) The educational leave committee of the department of public welfare, administratively created.

(4) The advisory committee on children and youth of the council on human resources, administratively created.

(5) The medical assistance advisory council, provided for in section 71-1513, R.C.M., 1947.

CHAPTER 20. THE DEPARTMENT OF FISH AND GAME.

Department of fish and game created.

82A-2001. **Department of Fish and Game—Creation; Head.** There is created a department of fish and game. The department head is the state fish and game commission provided for in section 82A-2004 of this chapter, but section 82A-107 of this act does not apply to the commission as a department head.

Fish and game department abolished—functions transferred.

82A-2002. **Functions transferred to department.** The fish and game department, provided for in title 26, chapter 1, R.C.M., 1947, and its units are abolished, and their functions are transferred to the department of fish and game created in this chapter. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the fish and game department means the department of fish and game created in this chapter.

Director.

82A-2003. **Director of Fish and Game Department—Continued.** The position of state fish and game director and its functions are continued. The state fish and game

director before the effective date of this chapter continues as the state fish and game director, until the first Monday of January, 1973, and until his successor is appointed and qualified. Thereafter, the director shall be appointed by the governor in the manner set forth in section 82A-106 of this act, except that the director shall serve for a term concurrent with that of the governor's term, and the director may be removed from office by the governor only for neglect of duty, incompetency or other good cause, and after a full hearing on verified charges filed at least twenty (20) days before said hearing and served on said officer at least twenty (20) days before said hearing. The state fish and game director is not a department head for purposes of section 82A-107 of this act.

Appointment.

Removal.

Hearing.

82A-2004. **State Fish and Game Commission—Continued; Functions; Designation.** (1) The state fish and game commission, created in title 26, chapter 1, R.C.M., 1947, and its functions, except the function of appointing and removing the state fish and game director provided for in section 26-106, R.C.M., 1947, are continued.

State fish and game commission continued.

(2) The state fish and game commission is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

Quasi-judicial board.

CHAPTER 21. MISCELLANEOUS TRANSFERS

82A-2101. **Federal-State coordinator transferred to governor's office.** The office of the federal-state coordinator, administratively created, is transferred to the office of the governor.

Office of federal-state coordinator transferred.

82A-2102. **Board of state canvassers transferred to secretary of state.** The board of state canvassers, created in section 23-4016, R.C.M. 1947, is transferred to the office of the secretary of state.

Board of state canvassers transferred.

82A-2103. **State board of hail insurance — continued; transfer.** (1) The state board of hail insurance, created in title 82, chapter 15, R.C.M. 1947, and its functions are continued.

State board of hail insurance.

(2) The board is transferred to the office of the state auditor for administrative purposes only as prescribed in section 82A-108 of this act. For purposes of this subsection and section 82A-108, the state auditor and the office

Transfer.

of the state auditor shall be considered to be a department head and a department, respectively.

Terms of office. (3) Members of the board before the effective date of this chapter serve for the remainder of their terms. The composition, method of appointment, terms of office, compensation, reimbursement, and qualifications of board members remain as prescribed by law."

Repealing clause. Section 2. Section 27-427, R.C.M. 1947, is repealed.

Repealing clause. Section 3. Sections 59-901 and 59-902, R.C.M. 1947, are repealed.

Intent of act. Section 4. It is not the intent of this act to repeal or amend any laws relating to functions performed by an agency, unless specifically provided in this act or unless there is an irreconcilable conflict between this act and those laws.

Severability clause. Section 5. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Effective dates. Section 6. Chapters 1 and 21 of Section 1 of this act and Sections 4 and 5 of this act are effective upon its passage and approval. Chapters 2 through 20 of section 1 of this act are effective upon the date the governor signs an executive order implementing the chapter or on December 31, 1972, whichever occurs first. The governor shall file the executive order with the secretary of state on the day the order is signed. The secretary of state shall file and record the order and send a copy of the order to each addressee on his official mailing list for the Revised Codes of Montana and to each addressee on the mailing list of the publisher of the Revised Codes of Montana. Section 2 of this act is effective when Chapter 4 of Section 1 of this act is effective, and Section 3 is effective when Chapter 2 of Section 1 of this act is effective.

Approved March 10, 1971

CHAPTER NO. 273

An Act Providing for Building Restrictions and Zoning and Subdivision Regulations by Cities, Towns and

FINAL STATUS OF SENATE BILLS

S.B. No.	Author	Short Title	Last History
269.	McKeon	Issuance and sale of bonds for the purpose of acquiring a site for and erecting and equipping a State Highway Commission headquarters building and complex.	Killed in Senate on 2nd Reading, 2/8/71.
270.	McKeon, et al.	To make possession of dangerous drugs a misdemeanor.	Signed by Governor, 3/9/71. Effective 3/9/71. Chapter 228.
271.	McKeon	An act adopting the Uniform Controlled Substances Act.	Killed in Senate Public Health Comm. 2/6/71.
272.	Manning	To permit the increase of the appropriation for county fairs.	Signed by Governor, 3/1/71. Effective 7/1/71. Chapter 154.
273.	Mitchell, Drake	Relating to camp duty for the organized militia of Montana and to provide that the annual camp will be performed in Montana, except under special circumstances.	Killed in House on 2nd Reading, 2/24/71.
274.	Select Committee of Senate on Executive Reorganization	To reorganize the executive department of the Montana state government.	Signed by Governor, 3/10/71. Chapter 1 and 21 of Section 1 and Section 4 and 5, effective 3/10/71. Chapter 2 through 20 of Section 1 effective upon Executive Order or upon 12/31/71. Section 2 effective simultaneously with Chapter 4 of Section 1. Section 3 effective simultaneously with Chapter 2 of Section 1. Chapter 272.
275.	Gilfeather, et al.	Relating to the county share of participation in public welfare and relief.	Killed in Senate Local Government Comm. 2/9/71.
276.	Sheehy	To secure citizens a right to protect the natural resources of the state.	Killed in Senate on 3rd Reading, 2/12/71.
277.	Hafferman, Lynch	Hours for sale of liquor.	Killed in Senate on 2nd Reading, 2/5/71.
278.	Hafferman, Lynch	'Closing hours for licensed retail beer establishments'.	Killed in Senate on 2nd Reading, 2/5/71.
279.	Dzivi, McOmber	To move Teton County to the Second Congressional District.	Signed by Governor, 3/3/71. Effective 7/1/71. Chapter 187.

No.	Title of Bill	Page
	R.C. M., 1947, providing a [new] classification for one hundred percent (100%) disabled veterans."	357, 358, 629, 677, 700, 870, 871, 897, 898, 905, 989.
270	Introduced by McKeon, Lyon, Moore, Broeder: A bill for an act entitled: "An act amending Section 54-133, R.C.M., 1947, to change the penalty for possession of marijuana."	580, 583, 711, 759, 774, 870, 871, 972, 973, 989.
272	Introduced by Manning: A bill for an act entitled: "An act to amend Section 16-1406. R.C.M., 1947, to permit the increase of the appropriation for county fairs."	372, 374, 626, 653, 701, 787.
273	Introduced by Mitchell, Drake: A bill for an act entitled: "An act to amend Section 77-156, R.C.M., 1947, relating to camp duty for the organized militia of Montana to provide that the annual camp will be performed within the State of Montana, except under special circumstances, and providing for an effective date."	566, 568, 719, 780, 782.
274	Introduced by Select Committee of the Senate on Executive Reorganization: A bill for an act entitled: "An act to reorganize the Executive Department of Montana State Government in accordance with the Constitutional Amendment, Chapter 1 of the Extraordinary Session, Laws of Montana, 1969, adopted at the general election of November 3, 1970, and effective under the governor's proclamation, November 20, 1970, which provides that: 'All executive and administrative offices, boards, bureaus, commissions, agencies and instrumentalities of the Executive Department of state government and their respective functions, powers, and duties, except for the office of governor, lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, and superintendent of public instruction, shall be allocated by law among and within not more than twenty (20) departments by no later than July 1, 1973.'; and repealing Sections 27-427, 59-901, and 59-902, R.C.M., 1947."	580, 583, 659, 674, 675, 676, 701, 706, 908, 909, 913, 914, 926, 934, 946, 947, 989.
279	Introduced by Dzivi, McOmber: A bill for an act entitled: "An act amending Section 43-107, R.C.M., 1947, to move Teton County to the Second (2nd) Congressional District."	566, 570, 718, 759, 774, 818.

Senate Bill No. 194, introduced by Keenan and McKeon

Senate Bill No. 270, introduced by McKeon, et al

Senate Bill No. 331, introduced by Dzivi and Lynch

Senate Bill No. 126. introduced by Graham, et al

Senate Bill No. 321, introduced by Hanks, Goodheart, and Drake.

Senate Bill No. 274, introduced by Select Committee of Senate on Executive Reorganization

Respectfully,
WALTER H. MARSHALL
Secretary of the Senate

February 12, 1971

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day read third time and passed the following Senate bills, title and history agreed to, and the bills are transmitted herewith to the House for concurrence.

Senate Bill No. 211, introduced by Mathers, et al

Senate Bill No. 171, introduced by Keenan, et al

Senate Bill No. 155, introduced by Rosell, et al

Senate Bill No. 301, introduced by Bertsche, et al

Senate Bill No. 302, introduced by Bertsche, et al

Senate Bill No. 240, introduced by Goodheart and Turnage

Respectfully,
WALTER H. MARSHALL
Secretary of the Senate

MOTIONS AND RESOLUTIONS

Hall moved that House Bill No. 376 be taken from the Committee on Ways and Means and be sent to the Rules Committee for determination whether or not the bill constitutes a revenue measure. Motion carried.

Harrison moved that Senate Bill No. 40 be taken from Committee on Highways and be re-referred to Judiciary Committee. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

The following bills were introduced, read first time and referred to committees:

Senate Bill No. 94, introduced by Lynch: A bill for an act entitled: "An act to amend Section 43-106.1, R.C.M. 1947, to provide for the number of Senators, Senatorial Districts and Apportionment." Referred to Committee on Reapportionment.

Senate Bill No. 147, introduced by Bertsche, Mathers, Mackay, McKeon: A bill for an act entitled: "An act to provide that the Department of Administration develop a wage and salary plan for state employees for submission to the 1973 Legislature and be granted immediate authority to develop a personnel classification plan; providing that salary increases, changes in position classifications and changes in number of employees

Senate Bill No. 194, introduced by Keenan, McKeon: A bill for an act entitled: "An act amending Sections 53-106, 53-118, 53-120 and 53-122 relating to motor vehicle number plates, motor vehicle dealer's license, replacing motor vehicle number plates, and registration fees of motor vehicles. Referred to Committee on Highways.

Senate Bill No. 270, introduced by McKeon, Lyon, Moore, Broeder: A bill for an act entitled: "An act amending Section 54-133, R.C.M., 1947, to change the penalty for possession of marijuana." Referred to Committee on Judiciary.

Senate Bill No. 274, introduced by Select Committee of the Senate on Executive Reorganization: A bill for an act entitled: "An act to reorganize the Executive Department of Montana State Government in accordance with the Constitutional Amendment, Chapter 1 of the Extraordinary Session, Laws of Montana, 1969, adopted at the general election of November 3, 1970, and effective under the governor's proclamation, November 20, 1970, which provides that: 'All executive and administrative offices, boards, bureaus, commissions, agencies and instrumentalities of the Executive Department of state government and their respective functions, powers, and duties, except for the office of governor, lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, and superintendent of public instruction, shall be allocated by law among and within not more than twenty (20) departments by no later than July 1, 1973.'; and repealing Sections 27-427, 59-901, and 59-902, R.C.M., 1947." Referred to Committee on Executive Reorganization.

Senate Bill No. 295, introduced by Boylan, Deschamps, Hanks, Rostad, Rugg, Mackay, Thiessen: A bill for an act entitled: "An act to provide that agricultural land shall be classified, appraised, and assessed according to its value for agricultural purposes without regard to the value it may have for other purposes; amending Sections 84-401 and 84-429.12, R.C.M., 1947." Referred to Committee on Agriculture and Irrigation.

Senate Bill No. 305, introduced by Vainio, Shea, Lynch: A bill for an act entitled: "An act amending Section 75-8601 of the Higher Education laws Recodification of the 42nd Session Laws of Montana. To propose the stimulation of enrollment in mineral engineering; to provide for the waiving of nonresident tuition in excess of two percent (2%) of unit enrollment for out-of-state students who enroll in mineral engineering curricula at Montana College of Mineral Science and Technology under reciprocal agreement among mineral engineering colleges of eight (8) WICHE states for the urgent development of undergraduate programs in mineral engineering." Referred to Committee on Business and Industry.

Senate Bill No. 321, introduced by Hanks, Goodheart, Drake: A bill for an act entitled: "An act relating to cities' and towns' all-purpose levy; amending Sections 84-4701.1, 84-4701.2, 84-4701.3, 84-4701.5 and 84-4701.6, R.C.M., 1947. "Referred to Committee on Affairs of Cities.

Senate Bill No. 331, introduced by Dzivi, Lynch: A bill for an act entitled: "An act to amend Section 92-204, R.C.M., 1947, to define third parties against whom injured workmen may prosecute causes of action to include prime contractors and general contractors and owners who have not become liable for workmen's compensation benefits under Section 92-438, R.C.M., 1947." Referred to Committee on Business and Industry.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Harrison moved that the House resolve itself into a Committee of the Whole for the consideration of business under Second Reading. Motion carried.

Fasbender in the Chair. Committee arose.

proved by the Committee of the Whole after the material "furnished." by striking the material "[Every contractor, subcontractor, architect, builder or other person having charge or control of the construction, alteration or repair of any building or other improvement shall be considered the agent of the owner for the purpose of section 3 of this act."] and

Further amended on page 2, section 2, subsection (3) on lines 28 through 30 by striking the material "[(3) Any one of the following acts or events is equivalent to "completion of the work or improvement" for the purpose of filing the notice of completion.]" and inserting in lieu thereof the new material "(3) The following acts or events constitute "completion of any work or improvement" for the purpose of filing a notice of completion:", and

Further amended on page 3, section 3, subsection (1) on lines 9 through 14 inclusive by striking all of the material "[Section 3. Notice of completion. (1) The owner may file a notice of completion as follows: (a) At any time after the completion of any work or improvement; or (b) At any time after there has been a cessation from labor thereon from a period of thirty (30) days.]" and inserting in lieu thereof the material "Section 3. Notice of completion. (1) The owner may file a notice of completion at any time after the completion of any work or improvement."

And, as amended, be concurred in.

(Material in brackets denotes cancelled type.)

SCOTT, Chairman

Report adopted.

February 20, 1971

Mr. Speaker: We, your Committee on Executive Reorganization, having had under consideration Senate Bill No. 274, respectfully report as follows: That Senate Bill No. 274 be amended

Mather moved that the House suspend Rules and consider the amendments read in full. Motion carried.

Amend Section 1, page 105, line 23 of the Senate bill by inserting after the word "governor" and before the word "for" the following material: "in the manner set forth in Section 82A-106 of this act, except that the director shall serve"

And further amend Section 1, page 105, line 24 of the Senate bill by omitting the period and the word "The" after the word "term", and inserting in lieu thereof the material: ", and the"

And further amend Section 1, page 105, line 30 and page 106, line 1 of the Senate bill by omitting the material: "director as defined in Section 82A-103 (7), and section 82A-106 does not apply.", and inserting in lieu thereof the following material: "department head for purposes of section 82A-107 of this act."

Amend Section 1, page 12, line 7 of the Senate bill by omitting the word "shall" and inserting in lieu thereof the word "may"

And further amend Section 1, page 12, line 9 of the Senate bill by inserting after the word "paid" the following material: "in an amount to be determined by the department head, not to exceed"

Amend Section 1, page 33, line 23 of the Senate bill by omitting in its entirety the material after the word and punctuation "Department."

And further amend Section 1, page 33, lines 24 through 30, and page 34, lines 1 through 16 of the Senate bill by omitting the material contained therein in its entirety.

And further amend Section 1, page 34, line 17 of the Senate bill by renumbering "(4)" as "(1)"

And further amend Section 1, page 34, line 25 of the Senate bill by renumbering "(5)" as "(2)"

And further amend Section 1, page 35, line 1 of the Senate bill by renumbering "(6)" as "(3)"

And further amend Section 1, page 106, line 19 of the Senate bill by omitting the quotation marks after the word and punctuation "state."

And further amend Section 1, page 106,, line 19 of the Senate bill by inserting beginning on the next line the following new material:

"82A-2103. STATE BOARD OF HAIL INSURANCE—CONTINUED; TRANSFER. (1) The state board of hail isurance, created in title 82, chapter 15, R.C.M. 1947, and its functions are continued.

(2) The board is transferred to the office of the state auditor for administrative purposes only as prescribed in section 82A-108 of this act. For purposes of this subsection and section 82A-108, the state auditor and the office of the state auditor shall be considered to be a department head and a department, respectively.

(3) Members of the board before the effective date of this chapter serve for the remainder of their terms. The composition, method of appointment, terms of office, compensation, reimbursement, and qualifications of board members remain as prescribed by law."

Amend Section 1, page 58, lines 13 through 24 of the Senate bill by omitting the material contained therein in its entirety

And further amend Section 1, page 58, line 25 of the Senate bill by renumbering "(5)" as "(3)"

And further amend Section 1, page 62, line 18 of the Senate bill by inserting beginning on the next line the following new material:

"82A-906. MONTANA ARTS COUNCIL—CONTINUED; TRANSFER. (1) The Motana arts council, created in title 82, chapter 36, R.C.M. 1947, and its functions are continued.

(2) The council is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

(3) Members of the council before the effective date of this chapter serve for the remainder of their terms. The composition, method of appointment, terms of office, compensation, reimbursement, and qualifications of board members remain as prescribed by law.

82A-907. STATE LIBRARY COMMISSION—CONTINUED; TRANSFER. (1) The state library commission, created in title 44, chapter 1, R.C.M. 1947, and its functions are continued.

(2) The commission is transferred to the department for administraive purposes only as prescribed in section 82A-108 of this act.

(3) Members of the commission before the effective date of this chapter serve for the remainder of their terms. The composition, method of appointment, terms of office, compensation, reimbursement, and qualifications of commission members remain as prescribed by law."

And further amend Section 1, page 62, line 19 of the Senate bill by renumbering "906" as "908"

And further amend Section 1, page 56, line 15 of the Senate bill by omitting the word and punctuation "composition;", by omitting the period

after the word "functions" and inserting in lieu thereof a semicolon. and the word and punctuation "designation."

And further amend Section 1, page 56, lines 20 through 28 of the Senate bill by omitting the material contained therein in its entirety.

And further amend Section 1, page 56, line 29 of the Senate bill by renumbering "(5)" as "(3)"

And further amend Section 1, page 57, line 1 of the Senate bill by renumbering "(6)" as "(4)"

And further amend Section 1, page 57, lines 8 and 9 of the Senate bill by omitting the material contained therein in its entirety, and inserting in lieu thereof the following material: "(5) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act."

Amend Section 1, page 41, line 13 through and including page 50, line 28 of the Senate bill, by omitting the material therein in its entirety and inserting in lieu thereof the following material:

"82A-601. DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES — CREATION; HEAD. There is created a department of health and environmental sciences. The department head is the director of health and environmental sciences provided for in section 82A-608 of this chapter.

82A-602. AGENCIES ABOLISHED; FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The state department of health, created in title 69, chapter 41, R.C.M. 1947, and its units are abolished, and their functions, except those enumerated below, are transferred to the department of health and environmental sciences:

(a) The functions contained in the Montana Insecticide, Fungicide, and Rodenticide Act of 1947, title 27, chapter 2, R.C.M. 1947, transferred to the department of agriculture in chapter 3 of this act.

(b) The function in section 69-4203 (5), R.C.M. 1947, (pertaining to enforcing the industrial hygiene laws), transferred to the department of labor and industry in chapter 10 of this act. The department of health and environmental sciences shall notify the department of labor and industry of any alleged violation of the industrial hygiene laws or rules established thereunder. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the department of health or its units, except those enumerated below, means the department of health and environmental sciences:

(a) The references contained in title 27, chapter 2, R.C.M. 1947.

(b) The references contained in title 69, chapter 42, R.C.M. 1947, relating to the enforcement functions transferred to the department of labor and industry in chapter 10 of this act.

(2) The sanitarians registration council, created in title 69, chapter 34, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the sanitarians registration council means the department of health and environmental sciences.

(3) The Montana commission on alcohol and drug dependence, created in title 69, chapter 62, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana commission on alcohol and drug dependence means the department of health and environmental sciences.

82A-603. ADDITIONAL FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The functions of the state water pollution control

council, which is created in title 69, chapter 48, R.C.M. 1947, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state water pollution control council means the department of health and environmental sciences.

(2) The functions of the state board of health, which is provided for in title 69, chapter 41, R.C.M. 1947, except the functions enumerated below, are transferred to the department:

(a) The functions contained in the Montana Insecticide, Fungicide, and Rodenticide Act of 1947, title 27, chapter 2, R.C.M. 1947, transferred to the department of agriculture in chapter 3 of this act.

(b) The functions contained in title 50, chapter 11, R.C.M. 1947 (pertaining to dredge mining regulation), transferred to the department of natural resources and conservation in chapter 15 of this act.

(c) The functions contained in title 41, chapter 22, R.C.M. 1947 (pertaining to nurses' employment practices), transferred to the department of labor and industry in chapter 10 of this act.

Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state board of health, except those enumerated below, means the department of health and environmental sciences:

(a) The references contained in title 27, chapter 2, R.C.M. 1947.

(b) The references contained in title 50, chapter 11, R.C.M. 1947.

(c) The references contained in title 41, chapter 22, R.C.M., 1947.

82A-604. DIVISION OF ENVIRONMENTAL SCIENCES—CREATION. There is created a division of environmental sciences within the department. The board of health and environmental sciences shall assign all functions performed by the department relating to air pollution control, water pollution control, radiation control, pesticides control, environmental sanitation, solid waste disposal, industrial hygiene, and related areas to the division.

82A-605. STATE BOARD OF HEALTH—CONTINUED; RENAMED; DESIGNATION. (1) The state board of health provided for in title 69, chapter 41, R.C.M. 1947, is continued and renamed the board of health and environmental sciences.

(2) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

82A-606. AIR POLLUTION CONTROL ADVISORY COUNCIL—CONTINUED; MEMBERSHIP; FUNCTIONS. (1) The air pollution control advisory council, created in title 69, chapter 39, R.C.M. 1947, is continued.

(2) Council membership remains as prescribed in section 69-3908, R.C.M. 1947, except that the executive officer of the state board of health is replaced by the director of the department of health and environmental sciences.

(3) After the effective date of this chapter, appointed council members serve at the pleasure of the governor.

(4) The council shall act in an advisory capacity to the department of health and environmental sciences on matters relating to air pollution.

(5) Subsections (5) through (8) of section 82A-110 of this act apply to the council and members.

82A-607. STATE WATER POLLUTION CONTROL COUNCIL—CONTINUED; RENAMED WATER POLLUTION CONTROL ADVISORY

COUNCIL. (1) The state water pollution control council, created in title 69, chapter 48, R.C.M. 1947, is continued and renamed the water pollution control advisory council. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state water pollution control council means the water pollution control advisory council.

(2) Council membership remains as prescribed in section 69-4810, R.C.M. 1947, except that the executive officer of the state department of health, the state fish and game department director, and the director of the water resources board are replaced by the director of the department of health and environmental sciences, the director of the fish and game department, and the administrator of the water resources division of the department of natural resources and conservation, respectively.

(3) After the effective date of this chapter, appointed council members serve at the pleasure of the governor.

(4) The council shall only act in an advisory capacity to the department of health and environmental sciences on matters relating to water pollution.

(5) Subsections (5) through (8) of section 82A-110 of this act shall apply to the council and members.

82A-608. DIRECTOR OF HEALTH AND ENVIRONMENTAL SCIENCES — CREATION; QUALIFICATIONS. (1) There is created the position of director of health and environmental sciences. The director shall be appointed by the governor in the manner set forth in section 82A-106 of this act for directors who are department heads, and in addition shall:

(a) Have a degree of doctor of medicine.

(b) Have successfully completed at least one (1) year of graduate study in an approved school of public health.

(c) Have had at least two (2) years' experience as a full-time public health officer.

(d) Be eligible for a license by the board of medical examiners.

(e) Receive a license from the board of medical examiners not later than six (6) months after his appointment.

(2) Section 82A-107 of this act applies to the director as a department head, subject to the concurrence of the board of health and environmental sciences. The director is the chief administrative officer of the department, and he shall in addition perform those functions that are delegated to him by the board of health and environmental sciences.

82A-609. ADDITIONAL AGENCIES ABOLISHED. The following agencies are abolished:

(1) The venereal disease and immunization advisory committee, administratively created.

(2) The laboratory advisory committee, administratively created.

(3) The migrant health advisory committee, administratively created.

(4) The hearing conservation advisory committee, administratively created.

(5) The family planning advisory committee, administratively created.

(6) The joint staff committee, administratively created.

(7) The interdepartmental council on mental retardation, administratively created.

(8) The radiation advisory committee, provided for in section 69-5805, R.C.M. 1947.

(9) The hospital and long term care facilities advisory council, provided for in section 69-5214, R.C.M. 1947."

And further amend Section 1, page 15, lines 20 and 21 of the Senate bill by omitting the words and numerals "fifty dollars ($50)" and inserting in lieu thereof the words and numerals "twenty-five dollars ($25)"

And further amend Section 1, page 40, lines 13 through 16 of the Senate bill by omitting in its entirety the material after the word and punctuation "continued."

Amend Section 1, page 51, lines 2 and 3 of the Senate bill by omitting in its entirety the material after the word "is" and inserting in lieu thereof the following material: "the director of highways provided for in section 82A-707 of this chapter."

And further amend Section 1, page 51, lines 12 through 23 of the Senate bill by omitting the material contained therein in its entirety.

And further amend Section 1, page 51, line 24 of the Senate bill by renumbering "(3)" as "(2)"

And further amend Section 1, page 52, line 1 of the Senate bill by renumbering "(4)" as "(3)"

And further amend Section 1, page 52, line 7 of the Senate bill by renumbering "(5)" as "(4)"

And further amend Section 1, page 52, lines 18 through 29 of the Senate bill by omitting the material contained therein in its entirety, and inserting in lieu thereof the following material:

"82A-703. FUNCTIONS OF HIGHWAY COMMISSION TRANSFERRED TO DEPARTMENT. The functions of the highway commission, which is provided for in title 32, chapter 24, R.C.M. 1947, except its functions acting as the Montana highway patrol board, contained in title 31, chapter 1, R.C.M. 1947, transferred to the department of law enforcement and public safety or the attorney general in chapter 12 of this act, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the commission acting as the Montana highway patrol board, means the department of highways created in this chapter."

And further amend Section 1, page 53, line 25 of the Senate bill by inserting beginning on the next line the following new material:

"82A-706. HIGHWAY COMMISSION — CONTINUED; DESIGNATION. (1) The highway commission, provided for in title 32, chapter 24, R.C.M. 1947, is continued.

(2) The commission is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

"82A-707. DIRECTOR OF HIGHWAYS—CREATION. There is created the position of director of highways. The director shall be appointed by the governor in the manner set forth in section 82A-106 of this act for directors who are department heads. Section 82A-107 of this act applies to the director as a department, subject to the concurrence of the highway commission. The director is the chief administrative officer of the department, and in addition he shall perform those functions that are delegated to him by the commission."

And further amend Section 1, page 53, line 26 of the Senate bill by renumbering "706" as "708"

Amend Section 1, page 77, line 15 through and including page 84, line 27 of the Senate bill, by omitting the material therein in its entirety and inserting in lieu thereof the following material:

"82A-1501. DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION—CREATION; HEAD. There is created a department of natural resources and conservation. The department head is the director of natural resources and conservation provided for in section 82A-1508 of this chapter.

82A-1502. AGENCIES ABOLISHED; FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The state soil conservation committee, created in title 76, chapter 1, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state soil conservation committee means the department of natural resources and conservation.

(2) The Montana grass conservation commission, created in title 46, chapter 23, R.C.M. 1947, is abolished, and its functions are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana grass conservation commission means the department of natural resources and conservation.

82A-1503. ADDITIONAL FUNCTIONS TRANSFERRED TO DEPARTMENT. (1) The functions of the state board of health, which are contained in title 50, chapter 11, R.C.M. 1947 (pertaining to dredge mining regulation), are transferred to the department. Unless inconsistent with this act, any reference in title 50, chapter 11, R.C.M. 1947, to the state boards of health means the department of natural resources and conservation.

(2) The functions of the Montana bureau of mines and geology, which are contained in title 50, chapter 10, R.C.M. 1947 (pertaining to strip coal mining regulation), are transferred to the department. Unless inconsistent with this act, any reference in title 50, chapter 10, R.C.M. 1947, to the Montana bureau of mines and geology means the department of natural resources and conservation.

82A-1504. DIVISIONS OF WATER RESOURCES AND FORESTRY—CREATION. (1) The following divisions of the department are created:

(a) Division of water resources.

(b) Division of forestry.

(2) Each division shall be headed by an administrator. The administrator of the division of forestry shall be technically trained and experienced in forestry and a graduate of an accredited forestry school.

82A-1505. AGENCIES ABOLISHED; FUNCTIONS TRANSFERRED TO DIVISIONS. (1) The Montana water resources board and its units, created in title 89, chapter 1, R.C.M. 1947, are abolished, and their functions are transferred to the division of water resources. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana water resources board or its units means the division of water resources of the department of natural resources and conservation.

(2) The Montana state board of forestry, and its units, created in title 28, chapter 1, R.C.M. 1947, are abolished, and their functions are transferred to the division of forestry. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana state board of forestry means the division of forestry of the department of natural resources and conservation.

(3) The position of state forester, provided for in title 81, chapter 14, R.C.M. 1947, is abolished, and the functions of the position are transferred to the division of forestry. However, as prescribed in article XI, section 4 of the Montana constitution and in section 81-103, R.C.M. 1947, the state board of land commissioners continues to retain the direction, control, leasing and sale of the state school lands and the land granted for the support and benefit of the various educational institutions and state lands; any functions performed by the division of forestry relating to these lands are subject to the direction and control of the state board of land commissioners. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the position of state forester means the division of forestry within the department of natural resources and conservation.

82A-1506. OIL AND GAS CONSERVATION COMMISSION—CONTINUED; RENAMED BOARD OF OIL AND GAS; TRANSFER; DESIGNATION. (1) The oil and gas conservation commission of the State of Montana, created in title 60, chapter 1, R.C.M. 1947, and its functions are continued, and the commission is renamed the board of oil and gas conservation. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the oil and gas conservation commission of the State of Montana means the board of oil and gas conservation.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act. However, the board may hire its own personnel, and section 82A-108 (2) (d) of this act does not apply.

(3) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

82A-1507. BOARD OF NATURAL RESOURCES AND CONSERVATION—CREATION; COMPOSITION; DESIGNATION. (1) There is created a board of natural resources and conservation.

(2) The board is composed of five (5) members, appointed by the governor as prescribed in section 82A-112 of this act, informed and experienced in the subjects of natural resources and conservation. One member shall be appointed from each of the five (5) districts prescribed in section 26-102 (1), R.C.M. 1947.

(3) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

82A-1508. DIRECTOR OF NATURAL RESOURCES AND CONSERVATION—CREATION. There is created the position of director of natural resources and conservation. The director shall be appointed by the governor in the manner set forth in section 82A-106 of this act for directors who are department heads. Section 82A-107 of this act applies to the director as a department head, subject to the concurrence of the board of natural resources and conservation. The director is the chief administrative officer of the department, and in addition he shall perform those functions that are delegated to him by the board of natural resources and conservation.

82A-1509. ADDITIONAL AGENCIES ABOLISHED. The following agencies are abolished:

(1) The council on natural resources and development, created in section 82-3001, R.C.M. 1947.

(2) The outdoor recreation advisory and planning committee, created in section 62-404, R.C.M. 1947.

(3) The weather modification advisory committee, provided for in section 89-312, R.C.M. 1947."

Amend Section 1, page 21, line 20 of the Senate bill by renumbering "210" as "211"

And further amend Section 1, page 21, line 25 of the Senate bill by renumbering "210" as "211"

And further amend Section 1, page 22, line 13 of the Senate bill by renumbering "206" as "207"

And further amend Section 1, page 22, line 20 of the Senate bill by inserting beginning on the next line the following new material:

"82A-204. BOARD OF INVESTMENTS — CREATION; ALLOCATION; COMPOSITION; DESIGNATION. (1) There is created a board of investments.

(2) The board is allocated to the department for administrative purposes only as prescribed in section 82A-108 of this act. Personnel for the board shall be appointed by the department subject to the approval of the board.

(3) The board is composed of five (5) members, appointed by the governor as prescribed in section 82A-112 of this act, informed and experienced in the subject of investments.

(4) The board of investments has the sole authority to exercise the investment functions transferred to it under section 82A-205 of this chapter. No other agency may invest state funds. All laws governing the exercise of the investment functions remain in effect, and the board shall direct the investment of state funds in accordance with those laws and the constitution of this state. The board has the power to veto any investments made under its general supervision.

(5) The board is designated as a quasi-judicial board for the purposes of section 82A-112 of this act."

And further amend Section 1, page 22, line 21 of the Senate bill by omitting the punctuation and numeral "(3)" and inserting in lieu thereof the following material:

"82A-205. INVESTMENT FUNCTIONS TRANSFERRED TO BOARD OF INVESTMENTS. (1)"

And further amend Section 1, page 22, lines 24 and 25 of the Senate bill by omitting the words "department of administration" and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 23, line 19 of the Senate bill by omitting the first word "department" in that line and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 23, lines 19 and 20 of the Senate bill by omitting the words "department of administration" and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 23, line 21 of the Senate bill by renumbering "(4)" as "(2)"

And further amend Section 1, page 23, line 25 of the Senate bill by omitting the word "department" and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 23, line 29 of the Senate bill by omitting the first word "department" in that line and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 23, line 29 of the Senate bill by omitting the words "department of administration" and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 24, line 1 of the Senate bill by renumbering "(5)" as "(3)"

And further amend Section 1, page 24, line 4 of the Senate bill by omitting the word "department" and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 24, line 7 of the Senate bill by omitting the first word "department" in that line and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 24, lines 7 and 8 of the Senate bill by omitting the words "department of administration" and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 24, line 9 of the Senate bill by renumbering "(6)" as "(4)"

And further amend Section 1, page 24, line 17 of the Senate bill by omitting the word "department" and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 24, line 21 of the Senate bill by omitting the first word "department" in that line and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 24, line 21 of the Senate bill by omitting the words "department of administration" and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 24, line 23 of the Senate bill by renumbering "(7)" as "(5)"

And further amend Section 1, page 24, line 27 of the Senate bill by omitting the word "department" and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 25, line 1 of the Senate bill by omitting the word "department" and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 25, line 2 of the Senate bill by omitting the words "department of administration" and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 25, lines 3 through 8 of the Senate bill by omitting the material contained therein in its entirety.

And further amend Section 1, page 25, line 9 of the Senate bill by renumbering "205" as "206"

And further amend Section 1, page 25, line 30 of the Senate bill by renumbering "206" as "207"

And further amend Section 1, page 26, line 17 of the Senate bill by renumbering "207" as "208"

And further amend Section 1, page 26, line 24 of the Senate bill by renumbering "208" as "209"

And further amend Section 1, page 27, line 3 of the Senate bill by omitting the word "department" and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 27, line 3 of the Senate bill by renumbering "203" as "205"

And further amend Section 1, page 27, line 5 of the Senate bill by renumbering "209" as "210"

And further amend Section 1, page 27, line 14 of the Senate bill by omitting the word "department" and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 27, line 14 of the Senate bill by renumbering "203" as "205"

And further amend Section 1, page 27, line 15 of the Senate bill by omitting the punctuation and numeral "(6)"

And further amend Section 1, page 27, line 16 of the Senate bill by renumbering "210" as "211"

And further amend Section 1, page 27, line 26 of the Senate bill by renumbering "211" as "212"

And further amend Section 1, page 28, line 5 of the Senate bill by omitting the word "department" and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 28, line 5 of the Senate bill by renumbering "203" as "205"

And further amend Section 1, page 28, line 7 of the Senate bill by renumbering "212" as "213"

And further amend Section 1, page 64, line 29 of the Senate bill by omitting the words "department of administration" and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 65, line 7 of the Senate bill by omitting the words "department of administration" and inserting in lieu thereof the words "board of investments"

And further amend Section 1, page 68, line 21 of the Senate bill by omitting the words "department of administration" and inserting in lieu thereof the words "board of investments"

Amend Section 1, page 103, line 15 of the Senate bill by inserting after the word and punctuation "board." the following material: "The director does not have a term on the board as a board member, but shall serve at the pleasure of the governor."

And further amend Section 1, page 103, line 18 of the Senate bill by inserting after the word and punctuation "act." the following new material: "for purposes of that section, a majority shall be considered as one (1)."

And further amend Section 1, page 13, line 30 of the Senate bill by omitting the words "by order"

And further amend Section 1, page 14, line 1 of the Senate bill by omitting the words "of the governor"

And, as amended, be concurred in.

MATHER, Chairman

Report adopted.

MESSAGES FROM THE GOVERNOR

February 19, 1971

Honorable James P. Lucas
Speaker for the House
House of Representatives
State Capitol
Helena, Montana

Dear Sir:

In accordance with the request dated this day from the Chief Clerk

on Second Reading. He requested a roll call vote, with the Ayes and Nays spread on the Journal. Sufficient seconds arose.

The motion failed by the following vote:

Ayes: Anderson, Baeth, Bardanouve, Bradley, Brand, Christiansen, Edland, Eggebrecht, Fasbender, Fleming, Gerke, Greely, Gunderson, Hall, Harper, Healy, Hodges, Jackson, Johnston, Kendall, Knudsen, Kolstad, Kosena, Lee, Lombardi, Lynch, McKittrick, Marbut, Mehrens, Menahan, Murphy, Norman, Parrish, Prevost, Quilici, Schoonover, Shelden, Staigmiller, Towe, Watt, Weeding, Yardley, Zimmer, Zody. Total 44.

Noes: Aber, Ainsworth, Asbjornson, Aspevig, Bennett, Brown, Burnett, Campbell, Clemow, Cox, Darrow, Devine, Dye, East, Ellerd, Falkenstern, Forester, Glennen, Haines, Hemstad, Himsl, Keller, Kvaalen, Laas, Lanthorn, Lien, Lockrem, Lockwood, Lund, Lundgren, McGrath, McNamer, Marks, Mather, J. Murphy, Nichols, Olson, Patrick, Nelstead, Selstad, C. Smith, E. Smith, Snortland, Spilde, Sverdsten, Swan, Swanberg, Ulmer, Whitney, Wolf, Worden, Mr. Speaker. Total 52.

Absent or not voting: Fagg, Harrison, Perry, Robbins, Scott, Warfield. Total 6.

Excused: Fitzgarrald, Giesick. Total 2.

FIRST READING AND COMMITMENT OF BILLS

The following bills were introduced, read first time, and referred to committees:

House Bill No. 604, introduced by Campbell, Dye: A bill for an act entitled: "An act appropriating moneys for a medical education program in cooperation with the States of Washington, Alaska, and Idaho." Referred to Committee on Appropriations.

House Bill No. 605, introduced by Giesick, Forester, Kolstad, Lynch, Quilici, Snortland, Lombardi: A bill for an act entitled: "An act appropriating moneys for fluoridation of the teeth of school children by the Department of Health." Referred to Committee on Appropriations.

House Resolution No. 14, introduced by Marks, T. Murphy: A Resolution of the House of Representatives of the State of Montana respectfully urging the Honorable Forrest H. Anderson, Governor, and the State Department of Planning and Economic Development to retain the Madison-Jefferson-Silver Bow Resource, Conservation and Development Group. Referred to Committee on Environment and Resources.

SPECIAL ORDERS OF THE DAY

Representative Mather explained Senate Bill No. 274 with the House amendments incorporated.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Harrison moved that the House resolve itself into a Committee of the Whole for the consideration of business under Second Reading. Motion carried.

Selstad in the Chair. Committee arose.

House resumed. Mr. Speaker in the Chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on Second Reading, recommend as follows:

That Senate Bill No. 274 be amended in Section 1, page 14, line 5 of

the Approved Senate Committee Bill No. 274 by inserting after the word and punctuation "state." the following new material: "the existence of any advisory council may be extended as many times as necessary."

And be further amended in Section 1, page 14, line 7 of the printed bill by inserting after the first word "an" and before the word "agency" the words "administratively created".

And be further amended on page 28 by adding to line 23, following the word "act", the following: "However, the board may hire its own personnel, and Section 82A-108 (2) (d) does not apply."

And further amend Senate Bill No. 274, Section 1, page 32, line 26 through and including page 33, line 24 of the printed bill by omitting the material therein in its entirety and inserting in lieu thereof the following material:

"82A-304. MONTANA WHEAT RESEARCH AND MARKETING COMMITTEE—CONTINUED; TRANSFER. (1) The Montana wheat research and marketing committee, created in title 3, chapter 29, R.C.M. 1947, and its functions are continued.

(2) The committee is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

(3) Members of the committee before the effective date of this chaptr serve for the remainder of their terms. The composition, method of appointment, terms of office, compensation, reimbursement, and qualifications of committee members remain as prescribed by law."

And further amend Section 1, Chapter 5 on page 40 after line 28 by inserting the following:

"82A-509. MONTANA ARTS COUNCIL — CONTINUED; TRANSFER. (1) The Montana arts council, created in title 82, chapter 36, R.C.M. 1947, and its functions are continued.

(2) The council is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

(3) Members of the council before the effective date of this chapter serve for the remainder of their terms. The composition, method of appointment, terms of office, compensation, reimbursement, and qualifications of board members remain as prescribed by law.

(4) The director of the council shall be appointed and may be removed by the council, subject to the approval of the board of education.

82A-510. STATE LIBRARY COMMISSION—CONTINUED; TRANSFER. (1) The state library commission, created in title 44, chapter 1, R.C.M. 1947, and its functions are continued.

(2) The commission is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

(3) Members of the commission before the effective date of this chapter serve for the remainder of their terms. The composition, method of appointment, terms of office, compensation, reimbursement, and qualifications of commission members remain as prescribed by law.

(4) The state librarian shall be appointed and may be removed by the commission, subject to the approval of the board of education."

And be further amended in line 29, page 40 by renumbering "82A-509" to read "82A-511".

And be further amended in Section 1, Chapter 9 by omitting all of Sections 82A-906 and 82A-907, being lines 5 to 26 inclusive on page 58.

And be further amended in line 27, page 58 by renumbering "82A-908" to read "82A-906".

Further amend Senate Bill No. 274, Section 1, page 73, line 29 of the printed bill after the word and punctuation "department." through and including page 74, line 5 by omitting the material therein in its entirety.

Further amend Section 1, page 74, line 6 of the printed bill by omitting the numeral and punctuation "(2)"

And further amend Section 1, page 74, line 28 of the printed bill by omitting the word "and" and inserting in lieu thereof the punctuation ","

And further amend Section 1, page 74, line 28 of the printed bill by inserting after the word "forestry" the material: "and conservation districts"

And further amend Section 1, page 75, of the printed bill by inserting the material "(c) Division of conservation districts." between lines 2 and 3 of the printed bill.

And further amend Section 1, page 76, of the printed bill by inserting the following material between lines 8 and 9:

"82A-1506. ADDITIONAL FUNCTIONS TRANSFERRED TO DIVISION. The functions of the state soil conservation committee, created in title 76, chapter 1, R.C.M. 1947, are transferred to the division of conservation districts. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state soil conservation committee means the division of conservation districts of the department of natural resources and conservation.

82A-1507. STATE SOIL CONSERVATION COMMITTEE — CONTINUED; MEMBERSHIP; FUNCTIONS. (1) The state soil conservation committee, created in title 76, chapter 1, R.C.M. 1947, is continued.

(2) Committee membership remains as prescribed in section 76-104, R.C.M. 1947.

(3) After the effective date of this chapter, appointed committee members serve at the pleasure of the governor.

(4) The committee shall act in an advisory capacity to the department on matters relating to soil conservation districts.

(5) Subsection (5) through (8) of section 82A-110 of this act applies to the committee and members."

And further amend Section 1, page 6, line 9 of the printed bill by omitting the numeral "1506" and inserting in lieu thereof the numerals "1508"

And further amend Section 1, page 76, line 25 of the printed bill by omitting the numerals "1507" and inserting in lieu thereof the numerals "1509"

And further amend Section 1, page 77, line 6 of the printed bill by omitting the numerals "1508" and inserting in lieu thereof the numerals "1510"

And further amend Section 1, page 77, line 18 of the printed bill by omitting the numerals "1509" and inserting in lieu thereof the numerals "1511"

And further amend Section 1, chapter 19, Section 82A-1905, page 95, line 24 of the printed bill by inserting after the word and punctuation "act." the following material: "However, the board may hire its own personnel, and Section 82A-108 (2) (d) of this act does not apply."

Further amend on page 90, line 12, by inserting a new sub-sub-section "(c)" "Section 69-3504—Boats", and re-lettering sub-sections (c) through (t)

And further amend on page 91 by adding a new sub-section "v"—Title 84, Chapter 54, Net Proceeds",

And further amend page 91 by adding a new sub-section "w"—Title 84, Chapter 62, Net Proceeds",

And further amend by renumbering sub-section "u" as "x"

And, as amended, be concurred in.

That Senate Bill No. 304 be concurred in.

That Senate Bill No. 194 be passed for the day.

That Senate Bill No. 196 be passed for the day.

That Senate Bill No. 206 be concurred in.

That Senate Bill No. 91 be concurred in.

That Senate Bill No. 195 be passed for the day.

That Senate Bill No. 329 be concurred in.

That Senate Joint Resolution No. 29 be concurred in.

That Senate Bill No. 202 be amended in the title, page 1 of the approved committee bill, line 11, following the word "physicians" by inserting the words "or licensed psychologists",

Amend Section 1, page 1, line 20, following the word "physician" by inserting the words "or psychologists",

Further amend Section 1, page 1, line 23, following the word "physician" by inserting the words "or psychologists",

Further amend Section 2, page 2, line 12, following the word "physician" by inserting the words "or licensed psychologist"

And, as amended, be passed for the day.

That Senate Bill No. 263 be amended, page 4, line 1, following the word "erected" by inserting the words "owned by", and, as amended, be concurred in.

That Senate Bill No. 113 be concurred in.

That Senate Bill No. 253 be concurred in.

That Senate Bill No. 249 be concurred in.

That Senate Bill No. 166 be concurred in.

That the Committee rise and report.

SELSTAD, Chairman

Report adopted.

February 20, 1971

Mr. Speaker: We, your Committee on Bills, beg leave to report the following bills correctly enrolled: House Bills Nos. 10, 198, 167, 247, 285, 407, 473, House Joint Resolutions Nos. 13, 29, 41.

MARKS, Chairman

I have examined House Joint Resolution No. 41, introduced by me, and find the same to be correct.

JACKSON

Senate Bill No. 272 was concurred in by the following vote:

Ayes: Aspevig, Baeth, Bardanouve, Bennett, Bradley, Brown, Christiansen, Cox, Devine, Dye, Edland, Eggebrecht, Ellerd, Fagg, Falkenstern, Fasbender, Fleming, Gerke, Giesick, Glennen, Greely, Gunderson, Haines, Hall, Harper, Harrison, Healy, Himsl, Hodges, Jackson, Johnston, Knudsen, Kolstad, Kosena, Kvaalen, Laas, Lanthorn, Lee, Lien, Lockrem, Lockwood, Lombardi, Lund, Lundgren, Lynch, McGrath, McKittrick, Marbut, Marks, Mehrens, T. Murphy, Norman, Parrish, Patrick, Perry, Nelstead, Prevost, Quilici, Robbins, Scott, Shelden, Snortland, Sverdsten, Swan, Swanberg, Towe, Warfield, Watt, Weeding, Wolf, Worden, Yardley, Zimmer, Zody. Total 74.

Noes: Aber, Ainsworth, Anderson, Asbjornson, Campbell, Clemow, Darrow, East, Fitzgarrald, Forester, Hemstad, Keller, Mather, Menahan, J. Murphy, Olson, Schoonover, Selstad, C. Smith, E. Smith, Spilde, Staigmiller, Ulmer, Whitney, Mr. Speaker. Total 25.

Absent or not voting: Burnett, Kendall. Total 2.

Excused: Brand, McNamer, Nichols. Total 3.

Senate Bill No. 274 was concurred in by the following vote:

Ayes: Anderson, Aspevig, Baeth, Bardanouve, Bennett, Brown, Christiansen, Devine, Edland, Eggebrecht, Fasbender, Fleming, Gerke, Greely, Gunderson, Haines, Hall, Harper, Harrison, Healy, Himsl, Hodges, Jackson, Kendall, Knudsen, Kosena, Laas, Lee, Lien, Lockwood, Lombardi, McGrath, McKittrick, Marbut, Marks, Mehrens, Menahan, J. Murphy, T. Murphy, Norman, Parrish, Prevost, Robbins, Shelden, Staigmiller, Sverdsten, Swanberg, Towe, Ulmer, Warfield, Watt, Weeding, Whitney, Wolf, Worden, Yardley, Zimmer, Zody, Mr. Speaker. Total 59.

Noes: Aber, Ainsworth, Asbjornson, Bradley, Brand, Campbell, Clemow, Cox, Darrow, Dye, East, Ellerd, Fagg, Falkenstern, Fitzgarrald, Forester, Giesick, Glennen, Hemstad, Johnston, Keller, Kolstad, Kvaalen, Lanthorn, Lockrem, Lund, Lundgren, Lynch, Mather, Olson, Patrick, Perry, Nelstead, Quilici, Schoonover, Scott, Selstad, C. Smith, E. Smith, Snortland, Spilde, Swan. Total 42.

Pairs: Aye, Fasbender; No, Brand
Aye, Kendall; No, E. Smith

Absent or not voting: Burnett. Total 1.

Excused: McNamer, Nichols. Total 2.

Senate Bill No. 281 was concurred in by the following vote:

Ayes: Aber, Ainsworth, Asbjornson, Aspevig, Baeth, Bardanouve, Bennett, Bradley, Brown, Campbell, Christiansen, Clemow, Cox, Darrow, Devine, Dye, East, Edland, Eggebrecht, Ellerd, Fagg, Falkenstern, Fasbender, Fitzgarrald, Fleming, Forester, Gerke, Giesick, Glennen, Greely, Gunderson, Haines, Hall, Harper, Healy, Hemstad, Himsl, Hodges, Jackson, Johnston, Keller, Knudsen, Kolstad, Kosena, Kvaalen, Laas, Lanthorn, Lee, Lien, Lockrem, Lockwood, Lombardi, Lund, Lynch, McGrath, McKittrick, Marbut, Marks, Mather, Mehrens, Menahan, J. Murphy, T. Murphy, Norman, Olson, Parrish, Patrick, Perry, Nelstead, Prevost, Quilici, Robbins, Schoonover, Scott, Selstad, Shelden, E. Smith, Spilde, Staigmiller, Sverdsten, Swan, Swanberg, Towe, Ulmer, Warfield, Watt, Weeding, Whitney, Wolf, Worden, Yardley, Zimmer, Zody, Mr. Speaker. Total 94.

Noes: Anderson, Harrison, C. Smith, Snortland. Total 4.

Absent or not voting: Burnett, Kendall, Lundgren. Total 3.

Excused: Brand, McNamer, Nichols. Total 3.

House Bill No. 30 was passed by the following vote:

Ayes: Aber, Ainsworth, Anderson, Asbjornson, Aspevig, Baeth, Bardanouve, Bennett, Bradley, Brown, Campbell, Christiansen, Clemow, Cox, Darrow, Devine, Dye, East, Edland, Eggebrecht, Ellerd, Fagg, Falkenstern, Fasbender, Fitzgarrald, Fleming, Forester, Gerke Giesick, Glennen, Greely, Gunderson, Haines, Hall, Harper, Harrison, Healy, Hemstad, Himsl, Hodges, Jackson, Johnston, Knudsen, Kolstad, Kosena, Kvaalen, Laas, Lanthorn, Lee, Lien, Lockrem, Lombardi, Lund, Lundgren, Lynch, McGrath, McKittrick, Marbut, Marks, Mather, Mehrens, Menahan, J. Murphy, T. Murphy, Norman, Olson, Parrish, Patrick, Perry, Nelstead, Prevost, Quilici, Robbins, Schoonover, Scott, Selstad, Shelden, C. Smith, E. Smith, Snortland, Spilde, Staigmiller, Swan, Swanberg, Towe, Ulmer, Waarfield, Watt, Weeding, Whitney, Wolf, Worden, Yardley, Zimmer, Zody, Mr. Speaker. Total 96.

Noes: None.

Absent or not voting: Burnett, Keller, Kendall, Lockwood, Sverdsten. Total 5.

Excused: Brand, McNamer, Nichols. Total 3.

The Speaker appointed the following Conference Committees:

On Senate Amendments to House Bill No. 19: Keller, chairman; Warfield, Knudsen.

On House Amendments to Senate Bill No. 51: Scott, chairman; Bennett, Greely.

On House Amendments to Senate Bill No. 220: Patrick, chairman; Olson, Bardanouve.

MOTIONS AND RESOLUTIONS

Lockwood moved that the House reconsider its action in passing Senate Bill No. 274 on Third Reading this day.

As a substitute motion, Lockwood moved that the House suspend the Rules and delay the transfer of Senate Bill No. 274 to the Senate until the fifty-first legislative day. Motion failed.

Going back to the motion to reconsider, Hall asked for a roll call vote, with the Ayes and Nays spread on the Journal. Sufficient seconds arose.

The motion failed to pass by the following vote:

Ayes: Aber, Ainsworth, Asbjornson, Bradley, Campbell, Clemow, Cox, Darrow, Dye, East, Ellerd, Fagg, Falkenstern, Fitzgarrald, Forester, Giesick, Glennen, Hemstad, Johnston, Keller, Kolstad, Lanthorn, Lockrem, Lockwood, Lundgren, Lynch, Marks, Mather, Olson, Patrick, Perry, Nelstead, Prevost, Quilici, Scott, Selstad, C. Smith, E. Smith, Snortland, Spilde, Swan. Total 41.

Noes: Anderson, Aspevig, Baeth, Bardanouve, Bennett, Brown, Christiansen, Devine, Edland, Eggebrecht, Fasbender, Fleming, Gerke, Greely, Gunderson, Haines, Hall, Harper, Harrison, Healy, Himsl, Hodges, Jackson, Kendall, Knudsen, Kosena, Laas, Lee, Lien, Lombardi, Lund, McGrath, McKittrick, Marbut, Mehrens, Menahan, J. Murphy, T. Murphy, Norman, Parrish, Robbins, Schoonover, Shelden, Staigmiller, Swanberg, Towe, Ulmer, Warfield, Watt, Weeding, Whitney, Wolf, Worden, Yardley, Zimmer, Zody, Mr. Speaker. Total 57.

Pairs: Aye, Lockrem; No, Gerke.

Aye, E. Smith; No, Kendall.

Absent or not voting: Burnett, Kvaalen, Sverdsten. Total 3.

Excused: Brand, McNamer, Nichols. Total 3.

Harrison moved that the House adjourn until 1:30 p. m., February 22, 1971. Motion carried.

House adjourned.

JAMES P. LUCAS, Speaker

ZACK STEVENS, Chief Clerk

FIFTIETH LEGISLATIVE DAY

House of Representatives
Helena, Montana
February 22, 1971

House convened, pursuant to adjournment, at 1:30 p.m.

Mr. Speaker in the Chair.

Invocation by the Chaplain and Pledge of Allegiance to the Flag.

On roll call all members were present.

The Speaker signed the following bills in open session: Senate Joint Resolution No. 1, Senate Bills Nos. 228, 80, 208, 207, 29, 223, 177, 13, 165, 139, 148, 238, 205.

Mr. Speaker: We, your Committee on Rules and Journal, have examined the Journal for the Forty-Ninth Legislative Day and find the same correct.

HARRISON, Chairman

CHRISTIANSEN

REPORTS OF STANDING COMMITTEES

February 22, 1971

Mr. Speaker: We, your Committee on Bills, beg leave to report the following bills correctly engrossed: House Bills Nos. 419, 286.

MARKS, Chairman

February 22, 1971.

Mr. Speaker: We, your Committee on Bills, beg leave to report the following bills correctly enrolled: House Bills Nos. 155, 59, 275, 296, 57, 67, 250, 392, 448, 394, 211, 272, 306, 188, 153, 191, 150, 86, 347, 210, 105, 566, 450, 97, 489, 553, 324, 570, 395, 596, 332, House Joint Resolutions Nos. 22, 2.

MARKS, Chairman

I have examined House Bill No. 188, introduced by me, and find the same to be correct

GREELY

I have examined House Bill No. 332, introduced by me, and find the same to be correct

LANTHORN

I have examined House Bill No. 296, introduced be me, and find the same to be correct

JACKSON

March 1, 1971

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate failed to concur in House Amendments to Senate Bill No. 250 and requests the House to appoint Conference Committee to confer with a like committee from the Senate on said amendments.

The President appointed the following:

Senator McGowan—Chairman
Senator Bertsche
Senator Cochrane

Respectfully,

WALTER H. MARSHALL
Secretary of the Senate

March 1, 1971

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day failed to concur in House Amendments to Senate Bill No. 274 and requests the House to appoint a Conference Committee, free, with regards to Chapter 5 and 18 only, to confer with a like committee from the Senate on said amendments.

The President appointed the following:

Senator McKeon—Chairman
Senator Siderius
Senator Stephens

Respectfully,

WALTER H. MARSHALL
Secretary of the Senate

March 1, 1971

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the President appointed the following Senate members to a Conference Committee to meet with a like committee from the House to confer on Senate Amendments to House Bill No. 499.

Senator Boylan—Chairman
Senator Sorensen
Senator Carl

Respectfully,

WALTER H. MARSHALL
Secretary of the Senate

March 1, 1971

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day failed to concur in House Amendments to Senate Bill No. 204 and requests the House to appoint a Free Conference Committee to confer with a like committee from the Senate on said amendments.

The President appointed the following:

Senator Mitchell—Chairman
Senator Sheehy
Senator Rehberg

Respectfully,

WALTER H. MARSHALL
Secretary of the Senate

March 1, 1971

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day failed to concur in House Amendments to Senate Bill No. 232 and requests the House to appoint a Free Conference Committee to confer with a like committee from the Senate on said amendments.

The President appointed the following:

Senator Sheehy—Chairman
Senator Siderius
Senator Lowe

Respectfully,

WALTER H. MARSHALL
Secretary of the Senate

MOTIONS AND RESOLUTIONS

Harrison moved that the Speaker appoint a Conference Committee to consider Senate Bill No. 250 with a like committee from the Senate. Motion carried.

The Speaker appointed the following committee: Fagg, Marks and Jackson.

Harrison moved that the Speaker appoint a Free Conference Committee to meet with a like committee from the Senate on Senate Bill No. 204. Motion carried.

The Speaker appointed the following committee: Selstad, Lockrem and Jackson.

Harrison moved that the Speaker appoint a Free Conference Committee to meet with a like committee from the Senate on Senate Bill No. 232. Motion carried.

The Speaker appointed the following committee: Ainsworth, Olson and Norman.

Harrison moved that Senate Bill No. 274 be referred to the Rules Committee. Motion carried.

Keller moved that the Executive Reorganization Committee be directed to investigate the size of staff and amount of payroll of the Executive Reorganization Commission to determine if the work of the Commission has now been substantially completed. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

The following bills were introduced, read first time and referred to committee:

House Bill No. 618, introduced by Darrow, Lundgren, Fagg: A bill for an act entitled: "An act appropriating moneys to the Environmental

Hall moved that the House express their appreciation to the Necrology Committee for a very moving and impressive Memorial Service held this day in memory of past members of the House of Representatives. Motion carried.

March 2, 1971

Mr. Speaker: We, your Committee on Enrollment, to whom was referred House Bills Nos. 190, 11, 29, 30, 149, 142, 412, 143, 112, 430, 208, 239, 104, 279, 203, 559, 69, 397, 266, 166, 22, 243, 79, do hereby report that said bills, together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day at the hour of 4:45 o'clock, p.m., delivered to the Governor for his approval.

BURNETT

March 2, 1971

Mr. Speaker: We, your Committee on Rules, having had under consideration Senate Bill No. 274, respectfully report as follows: That the Senate has restricted its appointed Conference Committee to only certain amended sections of the bill, and such restrictions are not provided for under our Joint Rules. Therefore the Senate's request for such a restricted Conference Committee should be refused.

HARRISON, Chairman

Report adopted.

REPORTS OF SELECT COMMITTEES

Mr. President and Speaker of the House:

We, your Joint Conference Committee, having had under consideration Senate Amendments to House Bill No. 19, respectfully report and recommend as follows:

That the House accede to paragraph 1 of the Senate Amendments to section 1.

That the Senate recede from paragraph 2 of the Senate Amendments to section 1.

That the House accede to paragraph 3 of the Senate Amendments to section 3.

For the Senate: BOYLAN
CARL
SORENSEN

For the House: KELLER
KNUDSEN
WARFIELD

The Conference Committee report was adopted by the following vote:

Ayes: Aber, Ainsworth, Anderson, Asbjornson, Aspevig, Baeth, Bennett, Bradley, Brown, Burnett, Campbell, Christiansen, Darrow, Devine, Dye, Eggebrecht, Ellerd, Fasbender, Fitzgarrald, Gerke, Glennen, Greely, Gunderson, Haines, Hall, Harrison, Hodges, Johnston, Keller, Kendall, Kosena, Kvaalen, Laas, Lanthorn, Lien, Lockwood, Lombardi, Lund, Lundgren, McGrath, McKittrick, Mather, Menahan, J. Murphy, T. Murphy, Nichols, Norman, Parrish, Nelstead, Quilici, Schoonover, Scott, Snortland, Sverdsten, Towe, Warfield, Watt, Weeding, Wolf, Yardley, Zimmer, Zody, Mr. Speaker. Total 63.

Noes: Brand, East, Edland, Falkenstern, Forester, Harper, Hemstad,

Marbut, Perry, Prevost, Selstad, E. Smith, Staigmiller, Ulmer, Whitney. Total 15.

Absent or not voting: Bardanouve, Clemow, Cox, Fagg, Fleming, Giesick, Healy, Himsl, Jackson, Knudsen, Kolstad, Lee, Lockrem, Lynch, McNamer, Marks, Mehrens, Olson, Patrick, Robbins, Shelden, C. Smith, Spilde, Swan, Swanberg. Total 25.

Excused: Worden. Total 1.

March 2, 1971

Mr. President and Speaker of the House:

We, your Joint Conference Committee, having had under consideration Senate Amendments to House Bill No. 499, respectfully report and recommend as follows:

That the House accede to paragraph 1 of the Senate amendments to section 1.

That the Senate recede from paragraph 2 of the Senate amendments to section 1.

And as so amended, be adopted.

For the Senate: BOYLAN
CARL
SORENSEN

For the House: KELLER
KNUDSEN
WARFIELD

The Conference Committee report was adopted by the following vote:

Ayes: Aber, Ainsworth, Anderson, Asbjornson, Aspevig, Baeth, Bennett, Bradley, Brand, Brown, Burnett, Campbell, Christiansen, Darrow, Devine, Dye, Edland, Eggebrecht, Ellerd, Falkenstern, Fasbender, Fitzgarrald, Fleming, Forester, Gerke, Giesick, Glennen, Greely, Gunderson, Haines, Hall, Harper, Harrison, Hemstad, Hodges, Johnston, Keller, Kendall, Kolstad, Kvaalen, Laas, Lanthorn, Lien, Lockrem, Lockwood, Lombardi, Lund, Lundgren, McGrath, McKittrick, Marbut, Mather, Menahan, J. Murphy, T. Murphy, Nichols, Norman, Parrish, Perry, Nelstead, Prevost, Quilici, Schoonover, Scott, Selstad, E. Smith, Snortland, Staigmiller, Sverdsten, Swan, Towe, Ulmer, Warfield, Watt, Weeding, Whitney, Wolf, Yardley, Zimmer Zody, Mr. Speaker. Total 81.

Noes: East. Total 1.

Absent or not voting: Bardanouve, Clemow, Cox, Fagg, Healy, Himsl, Jackson, Knudsen, Kosena, Lee, Lynch, McNamer, Marks, Mehrens, Olson, Patrick, Robbins, Shelden, C. Smith, Spilde, Swanberg. Total 21.

Excused: Worden. Total 1.

MOTIONS AND RESOLUTIONS

Harrison moved that a Free Conference Committee be appointed by the Speaker to meet with a like committee from the Senate on House Amendments to Senate Bill No. 274. Motion carried.

The Speaker appointed the following committee: Mather, Haines, Norman.

Harrison moved that the Speaker appoint a Committee of six to meet

March 3, 1971

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day moved to dissolve the present Conference Committee appointed to confer on Senate Amendments to House Bill No. 490 and a new Conference Committee was appointed.

The President appointed the following: Senator Vainio, Chairman; Senator Sheehy, Senator Rehberg.

Respectfully,

CARTER PICOTTE
Asst. Secretary of the Secretary,

March 3, 1971

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day dissolved the present Conference Committee to House Amendments on Senate Bill No. 274, and a new Conference Committee, free, with regards to Chapter 5 and 18 only, to confer with a like committee from the Senate on said amendments.

The President appointed the following: Senator McKeon, Chairman; Senator Dzivi, Senator Mathers.

Respectfully,

CARTER PICOTTE
Asst. Secretary of the Senate

The Speaker reported that the Rules Committee has ruled that the Senate has restricted its appointed Conference Committee to only certain amended sections, and such restrictions are not provided for under Joint Rules. Therefore, the restricted conference committee was refused.

MOTIONS AND RESOLUTIONS

Nichols moved that House Joint Resolutions Nos. 35, 36, 37 be re-referred to the Long-Range Building Program Committee. Motion carried.

Laas moved that the Speaker appoint a new Free Conference Committee to meet with a like committee from the Senate to confer on Senate Amendments to House Bill No. 490. Motion carried.

Lund moved that the Speaker appoint a new Conference Committee to meet with a like committee of the Senate to confer on Senate Bill No. 225. Motion carried.

FIRST READING AND COMMITMENT OF BILLS

The following bill was introduced, read first time, and referred to committee:

House Resolution No. 31, introduced by McNamer. A Resolution of the House of Representatives of the State of Montana directing the House to amend its rules relating to the introduction of bills. Referred to Committee on Legislative Modernization.

MOTIONS AND RESOLUTIONS

McNamer moved that House Resolution No. 31 be taken from Legislative Modernization and placed on Second Reading. Motion withdrawn.

March 3, 1971

Mr. Speaker:

This office was in error regarding our correspondence this date on Senate Bill No. 274. The Senate this day dissolved the present Conference Committee to House Amendments on Senate Bill No. 274, and appointed a new Free Conference Committee to confer with a like committee from the House on said amendments.

The President appointed the following: Senator McKeon, Chairman; Senator Dzivi, Senator Mathers.

Respectfully,

CARTER PICOTTE
Asst. Secretary of the Senate

March 3, 1971

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day read three several times at length and concurred in, as amended, House Bill No. 615, introduced by Nichols, title and history agreed to, and the bill is herewith returned to the House for concurrence in Senate amendments.

Respectfully,

CARTER PICOTTE
Asst. Secretary of the Senate

March 3, 1971

Mr. Speaker:

I am directed by the Senate to inform your Honorable Body that the Senate this day read three several times at length and concurred in House Bill No. 609, introduced by Nichols and Dye, title and history agreed to, and the bill is herewith returned to the House.

Respectfully,

CARTER PICOTTE
Asst. Secretary of the Senate

MESSAGES FROM THE GOVERNOR

March 2, 1971

Honorable Thomas Judge
President of the Senate
State Capitol
Helena, Montana

Honorable James P. Lucas
Speaker for the House
House of Representatives
State Capitol

Gentlemen:

Enclosed herewith, in accordance with Section 94-9849, Revised Codes of Montana, 1947, I am transmitting the following acts of executive clemency, covering the period from January 1, 1969 to January 1, 1971.

Sincerely,

FORREST H. ANDERSON
Governor of Montana

Marks, Mather, Mehrens, Menahan, J. Murphy, T. Murphy, Nichols, Olso Patrick, Perry, Nelstead, Prevost, Quilici, Robbins, Scott, Selstad, Shelde C. Smith, E. Smith, Snortland, Spilde, Staigmiller, Sverdsten, Swan, Swa berg, Towe, Ulmer, Warfield, Watt, Weeding, Whitney, Wolf, Worde Yardley, Zody, Mr. Speaker. Total 92.

Noes: Bardanouve, Brand, Norman, Parrish. Total 4.

Absent or not voting: Campbell, Eggebrecht, Harrison, Knudsen, Lun Zimmer. Total 6.

Excused: Clemow, Schoonover. Total 2.

March 3, 1971

Mr. President and Speaker of the House:

We, your Joint Senate and House Conference Committee on Sena Bill No. 274, beg leave to report as follows:

That we met this day and recommend as follows:

That the Senate accede to the House Amendments except the followin House Committee on Executive Reorganiaztion amendments:

"and further amend section 1, page 40, lines 13 through 16 of th Senate bill by omitting in its entirety the material after the words an punctuation "continued." "

"Further amend page 90, line 12, by inserting a new sub-section "(c) "Section 69-3504—Boats", and re-lettering sub-sections (c) through (t)"

"Amend on page 90, line 25 by inserting after the figure "(11)" th words and figures "and (18)" "

"Further amend on page 91 by adding a new sub-section "v"—Title 8(Chapter 54, Net Proceeds","

"Further amend page 91 by adding a new sub-section "w"—Title 8(Chapter 62, Net Proceeds","

"Further amend by relettering sub-section "u" as "x" "

That the Senate and House accede to the following substitute amend ments:

and further amend section 1, section 82A-507, page 40, lines 18 through 30 of the original bill, being section 1, section 82A-507, page 40, lines through 16 of the Senate approved bill by omitting the material containe therein in its entirety, and renumbering the subsequent sections in chapte 5 accordingly.

and further amend section 1, page 99, line 23 through and including page 104, line 22 of the original bill, being section 1, page 95, line through and including page 100, line 10 of the Senate approved bill by omitting the material contained therein in its entirety, and inserting in lieu thereof the following material:

82A-1801. DEPARTMENT OF REVENUE — CREATION; HEAD. There is created a department of revenue. The department head is the state board of equalization, provided for in article XII, section 15 of the Montana constitution.

82A-1802. ADDITIONAL FUNCTIONS TRANSFERRED TO DE-PARTMENT. The functions of the secretary of state, which are contained in section 14-528, R.C.M., 1947 (pertaining to rural electric and telephone cooperatives license tax), are transferred to the department. Unless in-

consistent with this act, any reference to the secretary of state in section 14-528, R.M.C., 1947, means the department of revenue.

82A-1803. FUNCTIONS OF THE STATE BOARD OF EQUALIZATION CONTINUED. (1) The functions of the state board of equalization are continued in the board, which board is created in article XII, section 15 of the Montana constitution.

(2) The board shall appoint an advisory council for the purpose of complying with article VI, section 1 (b) of the multi-state tax compact, section 84-6701, R.C.M., 1947. The council shall be appointed in accordance with the provisions of section 82A-110 of this act.

82A-1804. DIRECTOR OF REVENUE—CREATION. (1) There is created the position of director of revenue.

(2) The director is the chief administrative officer of the department under the direction of the state board of equalization and he shall perform those functions that are delegated to him by the board and in addition shall prepare revenue estimates of state revenue from all sources and shall continuously study fiscal problems and tax structures of state and local governments and submit the studies to the governor and legislative assembly at their request.

(3) The director of revenue shall be appointed and serve as provided for directors in section 82A-106 of this act.

82A-1805. MONTANA LIQUOR CONTROL BOARD—CONTINUED; TRANSFER; DESIGNATION. (1) The Montana liquor control board, created in title 4, chapter 1, R.C.M., 1947, and its functions are continued.

(2) The board is transferred to the department of revenue for administrative purposes only as prescribed in section 82A-108 of this act. However, the board may hire its own personnel, and section 82A-108(2)(d) does not apply.

(3) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

82A-1806. MULTISTATE TAX COMPACT ADVISORY COMMITTEE ABOLISHED. The multistate tax compact advisory committee, provided for in section 84-6704, R.C.M., 1947, is abolished.

Recommend that the same be adopted.

For the Senate: McKEON
DZIVI
MATHERS

For the House: MATHER
HAINES
NORMAN

Mather moved that the House suspend its Rules and consider the amendments read in full. Motion carried.

Mather moved for the adoption of the Conference Committee report. The report was adopted by the following vote:

Ayes: Aber, Anderson, Asbjornson, Aspevig, Baeth, Bardanouve, Bennett, Bradley, Brown, Burnett, Christiansen, Cox, Darrow, Devine, Dye, East, Edland, Eggebrecht, Ellerd, Fagg, Falkenstern, Fasbender, Fitzgarrald, Fleming, Forester, Gerke, Giesick, Glennen, Greely, Gunderson, Haines, Hall, Harper, Harrison, Healy, Himsl, Hodges, Jackson, Johnston, Kendall, Kolstad, Kosena, Kvaalen, Laas, Lanthorn, Lee, Lien, Lockrem, Lockwood, Lombardi, Lundgren, McGrath, McKittrick, McNamer, Marbut, Marks, Mather, Mehrens, Menahan, J. Murphy, T. Murphy, Nichols, Nor-

man, Olson, Parrish, Nelstead, Robbins, Scott, Shelden, Staigmiller, Sversten, Swan, Swanberg, Towe, Ulmer, Warfield, Watt, Weeding, Whitney, Wolf, Worden, Yardley, Zimmer, Zody, Mr. Speaker. Total 85.

Noes: Ainsworth, Brand, Campbell, Hemstad, Keller, Lynch, Patrick, Perry, Prevost, Quilici, Selstad, C. Smith, E. Smith, Snortland, Spilde. Total 15.

Absent or not voting: Knudsen, Lund. Total 2.

Excused: Clemow, Schoonover. Total 2.

REPORTS OF STANDING COMMITTEES

March 4, 1971

Mr. Speaker: We, your Committee on Bills, to whom was referred House Bills Nos. 382, 383, 600, 618, 597, 619, beg leave to report that the same have this date been returned from the printer correctly printed.

MARKS, Chairman

March 3, 1971

Mr. Speaker: We, your Committee on Bills, beg leave to report the following bills correctly engrossed: House Bills Nos. 610, 617, House Joint Resolutions Nos. 15, 16, 17, 18, 19, 20, 21.

MARKS, Chairman

March 4, 1971

Mr. Speaker: We, your Committee on State Administration, having had under consideration House Resolution No. 10, respectfully report as follows: That House Resolution No. 10 be adopted.

SWAN, Chairman

HOUSE RESOLUTION NO. 10

INTRODUCED BY FASBENDER, HARRISON

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE DEPARTMENT OF ADMINISTRATION TO PROVIDE ADEQUATE SPACE FOR STATE PRINTING FACILITIES.

WHEREAS, the department of administration is responsible for providing the necessary space for state agencies, and

WHEREAS, the state printing offices are now located in the capitol basement, and

WHEREAS, the state printing office has more equipment and more personnel than when their office space was first allotted, and

WHEREAS, the space in the capitol is not air-conditioned or noise-proof, and

WHEREAS, the working conditions caused by the noise and heat of the printing equipment is unbearable, and

WHEREAS, the legislative assembly has caused an additional problem of crowding the basement with its mail room, and

That the Committee rise and report and beg leave to sit again.

MATHER, Chairman

Mather moved that House Bill No. 40 be segregated from the Committee of the Whole report, and, as amended, the report be adopted. Motion carried.

REPORTS OF STANDING COMMITTEES

March 4, 1971

Mr. Speaker: We, your Committee on Bills, beg leave to report the following bills correctly enrolled: House Bills Nos. 34, 617, and House Joint Resolution No. 36.

MARKS, Chairman

I have examined House Bill No. 34, introduced by me, and find the same to be correct.

MARKS

I have examined House Bill No. 617, introduced by me, and find the same to be correct.

BARDANOUVE

I have examined House Joint Resolution No. 36, introduced by me, and find the same to be correct.

HEALY

I have examined House Bill No. 615, introduced by me, and find the same to be correct.

NICHOLS

I have examined House Bill No. 616, introduced by me, and find the same to be correct.

NICHOLS

I have examined House Bill No. 144, introduced by me, and find the same to be correct.

FASBENDER

I have examined House Bill No. 98, introduced by me, and find the same to be correct.

KELLER

The Speaker signed the following bills in open session: House Bills Nos. 34, 617, 615, 616, 144, 98, House Joint Resolution No. 36, Senate Bills Nos. 270, 263, 68, 99, 232, 225.

March 4, 1971

Mr. Speaker: We, your Committee on Enrollment to whom was referred House Bills Nos. 286 598 19, 355, 98, 15, 615, 616, 144, 499, 497, 57, 609, 140, 406, 434, 141, 61, 315, 106, 517, 249, 201, 419, do hereby report that said bills together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day at the hour of 1:30 o'clock, p.m., delivered to the Governor for his approval.

MARKS, Chairman

Harrison moved that the House recess until 11:00 p.m. Motion carried.

House resumed. Mr. Speaker in the Chair.

The Speaker signed Senate Bill No. 274 in open session.

No.	Title of Bill	Page
267	Introduced by McKeon: A bill for an act entitled: "An act to amend Section 32-1213, R.C.M., 1947, to provide for the making of motor vehicle accident reports available as public records, with exceptions; providing for service charges for copies thereof; and amending Section 32-1213, R.C.M., 1947."	119, 189, 236.
268	Introduced by McKeon: A bill for an act entitled: "An act relating to labor relations and practices; enacting the Montana state labor relations act."	119, 189, 277, 282, 299, 337, 340, 385.
269	Introduced by McKeon: A bill for an act entitled: "An act repealing Chapter 377, Laws of 1969, relating to the issuance and sale of bonds for the purpose of acquiring a site for and erecting and equipping a state highway commission headquarters building and complex."	119, 189, 276, 279, 298, 301, 302, 337, 340.
270	Introduced by McKeon, Lyon, Moore, Broeder: A bill for an act entitled: "An act amending Section 54-133, R.C.M., 1947, to make possession of dangerous drugs a misdemeanor."	119, 189, 276, 373, 395, 435, 436, 438, 439, 449, 451, 707, 757, 776, 817, 918, HA-921, 924, 925.
271	Introduced by McKeon: A bill for an act entitled: "An act adopting the uniform controlled substances act."	120, 189, 276, 302.
272	Introduced by Manning: A bill for an act entitled: "An act to amend Section 16-1406. R.C.M., 1947, to permit the increase of the appropriation for county fairs."	120, 189, 234, 250, 260, 262, 288, 631, 667, 815.
273	Introduced by Mitchell, Drake: A bill for an act entitled: "An act to amend Section 77-156, R.C.M., 1947, relating to camp duty for the organized militia of Montana to provide that the annual camp will be performed within the State of Montana, except under special circumstances, and providing for an effective date."	120, 189, 276, 314, 316, 385, 394, 428, 725.
274	Introduced by Select Committee of the Senate on Executive Reorganization: A bill for an act entitled: "An act to reorganize the Executive Department of Montana State Government in accordance with the Constitutional Amendment, Chapter 1 of the Extraordinary Session, Laws of Montana, 1969, adopted at the general election of	

No.	Title of Bill	Page
	November 3, 1970, and effective under the governor's proclamation, November 20, 1970, which provides that: 'All executive and administrative offices, boards, bureaus, commissions, agencies and instrumentalities of the Executive Department of state government and their respective functions, powers, and duties, except for the office of governor, lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, and superintendent of public instruction, shall be allocated by law among and within not more than twenty (20) departments by no later than July 1, 1973.'; and repealing Sections 27-427, 59-901, and 59-902, R.C.M., 1947."	120, 189, 276, 360, 426, 448, 449, 452, 632, 781, 819, 852, 864, 874, HA-878, 941, 942.
275	Introduced by Gilfeather, Bollinger, Mitchell, Sheehy, Sorensen, Dzivi, Flynn, Vainio; Bertsche, McDonald: A bill for an act entitled: "An act to amend Section 71-1206, R.C.M., 1947, relating to the county share of participation in public welfare and relief."	120, 189, 234, 250, 260, 358.
276	Introduced by Sheehy: A bill for an act entitled: "An act to secure citizens a right to protect the natural resources of the state and to insure formulation of and enforcement of regulations to protect the resources and natural environment by legal or equitable action."	120, 189, 276, 389, 390, 395, 432, 433, 479, 449, 450, 454.
277	Introduced by Hafferman, Lynch: A bill for an act entitled: "An act to amend Section 4-414, R.C.M., 1947, 'Hours for sale of liquor', by deleting any reference to biennial general or primary election."	120, 160, 243, 253, 261, 267, 283, 293, 294.
278	Introduced by Hafferman, Lynch: A bill for an act entitled: "An act to amend Section 4-303, R.C.M., 1947, 'Closing hours for licensed retail beer establishments,' by deleting any reference to biennial general or primary election."	120, 160, 243, 253, 262, 283, 293.
279	Introduced by Dzivi, McOmber: A bill for an act entitled: "An act amending Section 43-107, R.C.M., 1947, to move Teton County to the Second (2nd) Congressional District."	120, 189, 276, 397, 415, 437, 438, 445, 708, 736, 737, 742, 863.
280	Introduced by McGowan, Nees: A bill for an act entitled: "An act to amend Section 32-3601,	

Senate Bill No. 271, introduced by McKeon: A bill for an act entitled: "An act adopting the uniform controlled substances act." Referred to Committee on Public Health, Welfare and Safety.

Senate Bill No. 272, introduced by Manning: A bill for an act entitled: "An act to amend section 16-1406, R.C.M., 1947, to permit the increase of the appropriation for county fairs." Referred to Committee on Local Government.

Senate Bill No. 273, introduced by Mitchell, Drake: A bill for an act entitled: "An act to amend section 77-156, R.C.M., 1947, relating to camp duty for the organized militia of Montana to provide that the annual camp will be performed within the state of Montana, except under special circumstances, and providing for an effective date." Referred to Committee on State Administration.

Senate Bill No. 274, introduced by Select Committee of the Senate on Executive Reorganization: A bill for an act entitled: "An act to reorganize the executive department of Montana state government in accordance with the constitutional amendment, chapter 1 of the extraordinary session, laws of Montana, 1969, adopted at the general election of November 3, 1970, and effective under the governor's proclamation, November 20, 1970, which provides that: 'All executive and administrative offices, boards, bureaus, commissions, agencies and instrumentalities of the executive department of state government and their respective functions, powers, and duties, except for the office of governor, lieutenant governor, secretary of the state, attorney general, state treasurer, state auditor, and superintendent of public instruction, shall be allocated by law among and within not more than twenty (20) departments by no later than July 1, 1973.'; and repealing section 27-427, 59-901, and 59-902, R.C.M., 1947." Referred to Committee on Executive Reorganization.

Senate Bill No. 275, introduced by Gilfeather, Bolinger, Mitchell, Sheehy, Sorenson, Dzivi, Flynn, Vainio, Bertsche, McDonald: A bill for an act entitled: "An act to amend section 71-1206, R.C.M., 1947, relating to the county share of participation in public welfare and relief." Referred to Committee on Local Government.

Senate Bill No. 276, introduced by Sheehy: A bill for anact entitled: "An act to secure citizens a right to protect the natural resources of the state and to insure formulation of and enforcement of regulations to protect the resources and natural environment by legal or equitable action." Referred to Committee on Natural Resources.

Senate Bill No. 277, introduced by Hafferman, Lynch: A bill for an act entitled: "An act to amend Section 4-414, R.C.M., 1947, 'Hours for sale of liquor', by deleting any reference to biennial general on primary election." Referred to Committee on Public Health, Welfare and safety.

Senate Bill No. 278, introduced by Hafferman, Lynch: A bill for an act entitled: "An act to amend Section 4-303, R.C.M., 1947, 'Closing hours for licensed retail beer establishments,' by deleting any reference to biennial general or primary election." Referred to Committee on Public Health, Welfare and Safety.

Senate Bill No. 279, introduced by Dzivi, McOmber. A bill for an act entitled: "An act amending Section 43-107, R.C.M., 1947, to move Teton County to the Second (2nd) Congressional District." Referred to Committee on Reapportionment.

Senate Joint Resolution No. 17, introduced by McKeon: A Joint resolution of the Senate and House of Representatives of the State of Montana urging all parties to take steps to end the American involvement in Indochina, urging President Richard Nixon to announce a deadline of July 1, 1971, for the withdrawal of all United States Armed Forces from Vietnam, urging President Nixon to announce the complete cessation of all

and Labor. Substitute motion was made by Senator Dzivi that Senate Bill No. 331 be taken from Third Reading and rereferred to the Committee on Judiciary. Substitute motion carried.

Having voted on the prevailing side, Senator Rehberg moved that the Senate reconsider its action of yesterday in adopting an adverse committee report on Senate Bill No. 204. Motion carried.

Senator Rehberg moved that Senate Bill No. 204 be rereferred to the Committee on Judiciary. Motion carried.

Motion was made by Senator Moore that Senate Bill No. 320 be taken from Second Reading and rereferred to the Committee on Judiciary. Motion carried.

Motion was made by Senator Dzivi that Senate Bill No. 70 be taken from Second Reading and rereferred to the Committee on Bills for correction in printing. Motion carried.

Motion was made by Senator Dzivi that Senate Bill No. 223 be taken from Second Reading and rereferred to the Committee on Bills for correction in printing. Motion carried.

Motion was made by Senator James that Senate Joint Resolution No. 22 on Second Reading be passed for the day. Motion carried.

The President granted seven additional days to the following committees to consider the following bills:

HIGHWAYS AND TRANSPORTATION: Senate Bills Nos. 199, 205, 206, 207, 208, 217, 227, 237, 240, 248, 267, 289, 343.

REAPPORTIONMENT: Senate Bill No. 279.

EDUCATION: Senate Bills Nos. 200, 219, 297, 301, 305, 311, 336, Senate Joint Resolutions Nos. 18, 30 and 9.

PUBLIC HEALTH, WELFARE AND SAFETY: Senate Bills 201, 202, 203, 231, 258, 260, 270, 271, 290, 292, 304, 306, 335, 342, and Senate Joint Resolution No. 27.

JUDICIARY: Senate Bills Nos. 216, 224, 225, 233, 239, 241, 242, 255, 261, 264, 265, 266, 285, 286, 294, 307, 308, 310, 314, 317, 329, 332, 333, 334.

COMMERCE AND LABOR: Senate Bills Nos. 209, 268, 300, 330.

STATE ADMINISTRATION: Senate Bills Nos. 214, 215, 221, 222, 226, 234, 238, 254, 262, 273, 298, 302, 312, 313, 315, 316, 322, 323, 324, 325, 328, 339, and Senate Joint Resolution No. 24.

LOCAL GOVERNMENT: Senate Bills Nos. 218, 229, 243, 244, 245, 252, 253, 256, 257, 259, 272, 275, 280, 284, 288, 291, 296, 299, 321, 341.

FISH AND GAME: Senate Bills Nos. 247, 287, 293, Senate Joint Resolution No. 26.

NATURAL RESOURCES: Senate Bills Nos. 250, 276, 337.

PUBLIC LANDS: Senate Bill No. 281, Senate Joint Resolutions Nos. 16 and 23.

FINANCE AND CLAIMS: Senate Bills Nos. 269, 327.

EXECUTIVE REORGANIZATION: Senate Bill No. 274.

IRRIGATION AND WATER: Senate Bills Nos. 282, 283, 303.

TAXATION: Senate Bills Nos. 295, 340.

BANKING AND INSURANCE: Senate Bill No. 319.

Also amend the title, page 1, line 10, following the word "investments" by inserting the words and punctuation ", Providing for receipts for cash payment or upon request,";

And amend Section 2, page 2, line 13, following the word "source" by deleting the punctuation "," and by inserting in lieu thereof the punctuation ".";

Also amend Section 2, page 2, line 14, by deleting the italicized words and underlining "and shall issue receipt if requested by payer" and by inserting the following sentence: "He shall issue a receipt for each cash payment, or whenever requested by the payer."; and as so amended, be concurred in.

That consideration of House Bill No. 27 be passed.

That House Bill No. 134 be concurred in.

That House Joint Resolution No. 45 be concurred in.

That House Joint Resolution No. 4 be concurred in.

That Senate Joint Resolution No. 13 do pass.

That Senate Joint Resolution No. 25 do pass.

That Senate Joint Resolution No. 26 do pass.

That Senate Joint Resolution No. 14 do pass.

That Senate Joint Resolution No. 15 do pass.

That the Committee rise and report.

RUGG, Chairman

Report adopted.

The President granted seven additional days to the following committees to consider the following bills:

TAXATION: Senate Bills Nos. 3, 295, 340.

AGRICULTURE: Senate Bills Nos. 204, 326.

JUDICIARY: Senate Bills Nos. 32, 95, 216, 225, 239, 241, 255, 261, 264, 265, 266, 285, 286, 294, 307, 310, 320, 329, 331, 333, 334.

HIGHWAYS: Senate Bills Nos. 33, 227, 240, 289, 343.

REAPPORTIONMENT: Senate Bills Nos. 279, 94.

PUBLIC HEALTH, WELFARE AND SAFETY: Senate Bills Nos. 96, 98, 203, 258, 270, 271, 290, 292, 306, 335, 342.

EDUCATION: Senate Bills Nos. 200, 219, 301, 305, 311.

STATE ADMINISTRATION: Senate Bills Nos. 214, 226, 238, 254, 262, 273, 298, 302, 312, 313, 315, 316, 323, 324, 325.

LOCAL GOVERNMENT: Senate Bills Nos. 229, 253, 256, 257, 259, 280, 284, 291, 299, 341, 321.

NATURAL RESOURCES: Senate Bills Nos. 250, 276, 337.

FINANCE AND CLAIMS: Senate Bills Nos. 269, 327.

EXECUTIVE REORGANIZATION: Senate Bill No. 274.

IRRIGATION AND WATER: Senate Bills Nos. 282, 283, 303.

BANKING AND INSURANCE: Senate Bill No. 319.

Mr. President: We, your Committee on Local Government, having had under consideration Senate Bill No. 259, respectfully report as follows: That Senate Bill No. 259 do pass.

THIESSEN, Chairman

Report adopted.

Mr. President: We, your Committee on Local Government, having had under consideration Senate Bill No. 299, respectfully report as follows: That Senate Bill No. 299 be amended as follows:

Amend Section 4, page 3, lines 19 and 20 of the printed bill by striking the following words, figures and punctuation "fifty-one percent (51%)" and inserting in lieu thereof the following words, figures, punctuation and underlining "twenty-five percent (25%)";

Further amend Section 4, page 4, line 5 of the printed bill by striking the following words, figures and punctuation "fifty-one percent (51%)" and inserting in lieu thereof the following words, figures, punctuation and underlining "twenty-five percent (25%)";

Further amend Section 5, page 5, line 7 of the printed bill by striking the following words, figures and punctuation "fifty-one percent (51%)" and inserting in lieu thereof the following words, figures, punctuation and underlining "twenty-five percent (25%)";

Further amend Section 7, page 6, line 12 of the printed bill by striking the following words, figures, punctuation "fifty-one percent (51%)" and inserting in lieu thereof the following words, figures, punctuation and underlining "twenty-five percent (25%)";

And as so amended, do pass.

THIESSEN, Chairman

Report adopted.

Mr. President: We, your Committee on Local Government, having had under consideration Senate Bill No. 256, respectfully report as follows: That Senate Bill No. 256 do not pass.

THIESSEN, Chairman

Report adopted.

Mr. President: We, your Committee on Local Government, having had under consideration Senate Bill No. 280, respectfully report as follows: That Senate Bill No. 280 do not pass.

THIESSEN, Chairman

Report adopted.

Mr. President: We, your Committee on Local Government, having had under consideration Senate Bill No. 321, respectfully report as follows: That Senate Bill No. 321 be amended as follows:

Amend Section 2, page 2, lines 7 and 8 of the original bill following the word "exceed" on line 7 by reinstating the word and figure "sixty (60)" and by omitting the word, figure and underlining on line 8 "seventy (70)";

And as so amended, do pass.

THIESSEN, Chairman

Report adopted.

Mr. President: We, your Committee on Executive Reorganization having had under consideration Senate Bill No. 274, respectfully report as follows: That Senate Bill No. 274 be amended as follows:

Amend Section 1, page 4, line 16 of the original and introduced bill, omitting after the word and punctuation, "information,", the following material, "an;

And further amend Section 1, page 4, line 16 of the original and introduced bill, by inserting after the word and punctuation, "recommendations,", the words and punctuation "and performing such other activities as may be necessary to comply with federal funding requirements,";

And further amend Section 1, page 6, line 4 of the original and introduced bill by inserting after the word "of" the word "state";

And further amend Section 1, page 6, of the original and introduced bill, by inserting after subsection "(r)" on line 13, the letters, words and punctuation "(s) Department of fish and game.";

And further amend Section 1, page 7, line 6 of the original and introduced bill, by inserting after the word and punctuation, "units,", the words and punctuation "other than the office of the lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, and superintendent of public instruction,";

And further amend Section 1, page 7, line 9 of the original and introduced bill, by inserting after the word and punctuation, "government.", the words and punctuation "except for conflicts arising in the office of the lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, and superintendent of public instruction,";

And further amend Section 1, page 8, line 27 of the original and introduced bill, by inserting after the word and punctuation, "business.", the words and punctuation "The lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, and superintendent of public instruction may prescribe their own rules for their departments or offices and the governor may not prescribe rules for them.";

And further amend Section 1, page 13, lines 8, 9, and 10 of the original and introduced bill, by omitting after the word and punctuation "education," the following material, "designated as the department head of the department of education in chapter 5 of this act," and inserting in lieu thereof the words and punctuation "the attorney general, and the superintendent of public instruction";

And further amend Section 1, page 13, line 10 of the original and introduced bill, by inserting after the word "councils", the words and punctuation ", which shall serve at their pleasure,";

And further amend Section 1, page 13, line 11 of the original and introduced bill, by omitting after the word and punctuation "governor." the following material, "The board", and inserting in lieu thereof the word "They";

And further amend Section 1, page 13, line 12 of the original and introduced bill, by omitting after the word "by" the following material, "it", and inserting in lieu thereof the words "them in the office of the governor and the office of the secretary of state";

And further amend Section 1, page 13, line 18 of the original and introduced bill, by omitting the period after the word "governor" and inserting in lieu thereof the words, numerals, and punctuation ", or by the board of education, the attorney general, or the superintendent of public instruction for those advisory councils created in the manner set forth in subsection (10) of this section.";

And further amend Section 1, page 13, line 19 of the original and introduced bill, by omitting after the word and punctuation "governor," the following material "he" and inserting in lieu thereof the word "they";

And further amend Section 1, page 13, line 22 of the original and introduced bill, by omitting after the word "in" the word "his" and inserting in lieu thereof the word "the";

And further amend Section 1, page 13, line 22 of the original and introduced bill, by inserting between the words "office and" the words "of the governor";

And further amend Section 1, page 13, line 30 of the original and introduced bill, by inserting after the word and punctuation "section." the words and punctuation "Upon the filing of such record, the provisions of this section shall apply to each such advisory body.";

And further amend Section 1, page 14, line 15 of the original and introduced bill, by inserting after the word "addition", the words "to those qualifications";

And further amend Section 1, page 14, line 18 of the original and introduced bill, by inserting after the word "appoint", the words " a majority of";

And further amend Section 1, page 14, line 21 of the original and introduced bill, by inserting after the word and punctuation "qualified.", the words, numerals, and punctuation "The governor shall appoint the remaining members of the board for terms ending on January 1, 1975. Thereafter, members shall be appointed by the governor for four (4) year terms, and until their successors are appointed and qualified. It is the intent of this subsection that the governor appoint a majority of the members of each quasi-judicial board at the beginning of his term, with the remaining members to be appointed in the middle of his term. As used in this subsection, "majority" means the next greatest whole number more than half (as three (3) of five (5), four (4) of seven (7), nine (9) of sixteen (16), etc.).";

And further amend Section 1, page 16, line 15 of the original and introduced bill, by inserting after the word "department", the words "or a constitutional office";

And further amend Section 1, page 16, lines 18 and 19 of the original and introduced bill, by omitting after the word and punctuation "Functions." the following material," If the legislative assembly does not allocate any new agency or function" and inserting in lieu thereof the words "If an agency or a function of any agency";

And further amend Section 1, page 16, line 20 of the original and introduced bill, by inserting after the word "chapter", the words "is not allocated or transferred to a department or a constitutional office by this act or any other act of the legislative assembly";

And further amend Section 1, page 16, line 21 of the original and introduced bill, by omitting after the word "to" the following material, "one";

And further amend Section 1, page 16, line 22 of the original and introduced bill, by omitting the word "of";

And further amend Section 1, page 16, line 22 of the original and introduced bill by inserting after the word "the", the word "appropriate";

And further amend Section 1, page 16, line 22 of the original and introduced bill by omitting after the word "principal" the word "departments" and inserting in lieu thereof the word "department";

And further amend Section 1, page 16, line 22 of the original and introduced bill by omitting the word "units" and inserting in lieu thereof the word "unit";

And further amend Section 1, page 17, line 20 of the original and introduced bill by inserting after the word and punctuation "final." the words and punctuation "This section does not apply to property owned by the federal government.";

And further amend Section 1, page 20, lines 19 through and including line 30 of the original and introduced bill by omitting the material therein in its entirety and inserting in lieu thereof the words and punctuation "(4) The Montana highway patrolmen's retirement board, created in title 31, chapter 2, R.C.M., 1947, is abolished, and its functions, except the quasi-judicial functions transferred to the board of administration in section 82A-210 of this chapter, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana highway patrolmen's retirement board, except the references relating to the quasi-judicial functions transferred to the board of administration in section 82A-210 of this chapter, means the department of administration created in this chapter.";

And further amend Section 1, page 21, lines 1 through and including line 30 of the original and introduced bill by omitting the material therein in its entirety;

And further amend Section 1, page 22, lines 1 through and including line 15 of the original and introduced bill by omitting the material therein in its entirety;

And further amend Section 1, page 23, line 25 of the original and introduced bill, by omitting after the word "chapter" the numerals "27" and inserting in lieu thereof the numerals "62";

And further amend Section 1, page 24, of the original and introduced bill by inserting the following material between line 27 and line 28 of the original and introduced bill;

"(6) The investment functions of the board of administration, including its investment functions as the Montana state game wardens' retirement board and as the Montana judges' retirement board, which are contained in title 68, chapters 1 through 13 (pertaining to the public employees' retirement system), title 68, chapter 14 (pertaining to the game wardens' retirement system), and title 93, chapter 11 (pertaining to the judges' retirement system), are transferred to the department. Unless inconsistent with this act, any reference in title 68, chapters 1 through 14, and title 93, chapter 11, R.C.M., 1947, to the board of administration relating to the investment functions transferred to the department means the department of administration created in this chapter.

(7) The investment functions of the teachers' retirement board, which are contained in title 75, chapter 62 (laws of Montana, 1971, chapter 5, sections 96 through 113), R.C.M., 1947 (pertaining to the teachers' retirement system), are transferred to the department. Unless inconsistent with this act, any reference in title 75, chapter 62 (laws of Montana, 1971, chapter 5, sections 96 through 113), R.C.M., 1947, to the teachers' retirement board relating to the investment functions transferred to the department means the department of administration created in this chapter.";

And further amend Section 1, page 26, line 30 through and including page 29, line 10 of the original and introduced bill, by omitting the material therein in its entirety and inserting in lieu thereof the following material:

"82A-209. Board of Administration—continued; transfer; functions.

(1) The board of administration, provided for in title 68, chapter 5, R.C.M., 1947, is continued.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

(3) The functions of the board, including its functions as the Montana state game wardens' retirement board and as the Montana judges' retirement board, except the investment functions transferred to the department in section 82A-203(6) of this chapter, are continued in the board.

82A-210. Functions transferred to Board of Administration. The quasi-judicial functions of the Montana highway patrolmen's retirement board, which are contained in title 31, chapter 2, R.C.M., 1947 (pertaining to the highway patrolmen's retirement system), are transferred to the board of administration. Unless inconsistent with this act, any reference in title 31, chapter 2, R.C.M., 1947, to the Montana highway patrolmen's retirement board relating to the quasi-judicial functions transferred to the board of administration means the board of administration.

82A-211. Teachers' Retirement Board—continued; transfer; functions. (1) The teachers' retirement board, provided for in title 75, chapter 62 (sections 96 through 113, public schools recodification laws of 1971), R.C.M., 1947, is continued.

(2) The board is transferred to the department for administrative purposes only as prescribed in section 82A-108 of this act.

(3) The functions of the board, except the investment functions transferred to the department in section 82A-203 of this chapter, are continued in the board.";

And further amend Section 1, page 29, line 11 of the original and introduced bill, by omitting the numerals "211" and inserting in lieu thereof the numerals "212";

And further amend Section 1, page 30, lines 28, 29, and 30, and page 31, lines 1, 2, 3, and 4 of the original and introduced bill, by omitting all of the material contained therein;

And further amend Section 1, page 31, line 5, of the original and introduced bill, by renumbering (3) as (2);

And further amend Section 1, page 31, line 12, of the original and introduced bill, by renumbering (4) as (3);

And further amend Section 1, page 32, line 18, of the original and introduced bill by inserting after the word and punctuation "act.", on the next line, the following new subsections and material: "(c) The functions which are contained in title 3, chapter 22, R.C.M., 1947 (pertaining to poultry improvement), chapter 23 (pertaining to eggs and egg dealers), and chapter 24 (pertaining to dairy products), transferred to the department of livestock in chapter 13 of this act.

(d) The functions which are contained in title 27, chapter 5, R.C.M., 1947 (pertaining to oleomargarine regulation), transferred to the department of livestock in chapter 13 of this act.";

And further amend Section 1, page 32, line 26, of the original and introduced bill, by inserting after the word and punctuation and figures "1947.", on the next line, the following new subsections and material: "(c) The references contained in title 3, chapters 22, 23, and 24, R.C.M., 1947.";

(d) The references contained in title 27, chapter 5, R.C.M., 1947.";

And furthr amend Section 1, page 33, line 2, of the original and introduced bill, by inserting after the word and punctuation "applicable.", on the next line, the following new subsections and material: "(4) The functions of the Montana wheat research and marketing committee, which is created in title 3, chapter 29, R.C.M., 1947, are transferred to the department. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana wheat research and marketing committee relating to the functions transferred to the department means the department of agriculture created in this chapter.

82A-304. Montana Wheat Research and Marketing Committee—continued; renamed Wheat Research and Marketing Advisory Council. (1) The Montana wheat research and marketing committee, created in title 3, chap-

ter 29, R.C.M., 1947, is continued, and renamed the wheat research and marketing advisory council. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the Montana wheat research and marketing committee, except references relating to the functions transferred to the department in section 82A-303(4) of this chapter, means the wheat research and marketing advisory council.

(2) Members of the council before the effective date of this chapter serve for the remainder of their terms. The composition, method of appointment, terms of office, compensation, reimbursement, and qualifications of council members remain as prescribed in title 3, chapter 29, R.C.M., 1947.

(3) The council shall only act in an advisory capacity to the department on those matters relating to the administration and enforcement of the Montana Wheat Research and Marketing Act, title 3, chapter 29, R.C.M., 1947.";

And further amend Section 1, page 33, line 3, of the original and introduced bill, by renumbering 82A-304 as 82A-305;

And further amend Section 1, page 37, line 29 of the original and introduced bill, by omitting before the letters and figures "R.C.M., 1947", the word, figure, and punctuation: "chapter 1,";

And further amend Section 1, page 39, line 1, of the original and introduced bill, by inserting after the word "appointed", the words: "and may be removed";

And further amend Section 1, page 39, line 1, of the original and introduced bill, by omitting after the word "by" and before the word "of", the words: "and serve at the pleasure" and insert in lieu thereof the following words and punctuation: "the board of trustees of the Montana historical society, subject to the approval";

And further amend Section 1, page 39, lines 8, 9, 10, and 11 of the original and introduced bill, by omitting after the figures and punctuation "1947," the following material: "except the functions of the board contained in section 44-523(3), R.C.M., 1947 (pertaining to appointing the director of the Montana historical society), transferred to the board of education in section 82A-506 of this chapter.";

And further amend Section 1, page 40, lines 3 through 12 of the original and introduced bill, by omitting all of the material contained therein;

And further amend Section 1, page 40, line 13 of the original and introduced bill, by renumbering (3) as (2);

And further amend Section 1, page 40, lines 22, 23, and 24 of the original and introduced bill, by omitting after the "," and before the word "and", the following material: "the department of public instruction, created in title 75, chapter 13, R.C.M., 1947,";

And further amend Section 1, page 41, line 11 of the original and introduced bill, by inserting after the word and punctuation "apply." and before the word "Members", the following new material: "The board may organize itself in accordance with section 44-523(1), R.C.M., 1947.";

And further amend Section 1, page 44, line 13 of the original and introduced bill, by inserting after the word "quasi-judicial" and before the word "functions", the words: "and quasi-legislative";

And further amend Section 1, page 44, line 19 of the original and introduced bill, by inserting after the word 'quasi-judicial" and before the word "functions", the words: "and quasi-legislative";

And further amend Section 1, page 50, line 11 of the original and introduced bill, by inserting after the word "quasi-judicial" and before the word "functions", the words: "and quasi-legislative";

And further amend Section 1, page 50, line 17 of the original and introduced bill, by inserting after the word "quasi-judicial" and before the word "functions", the words: "and quasi-legislative";

And further amend Section 1, page 51, lines 24 and 25 of the original and introduced bill, by omitting after the word "Council" the punctuation and word: "; Designation";

And further amend Section 1, page 53, line 26 of the original and introduced bill, by inserting after the word "safety" the following words: "or the attorney general";

And further amend Section 1, page 65, lines 21 through 30 and page 66, lines 1 and 2, of the original and introduced bill by omitting all of the material therein contained;

And further amend Section 1, page 66, line 3 of the original and introduced bill by renumbering (3) as (2);

And further amend Section 1, page 66, line 9 of the original and introduced bill by renumbering (4) as (3);

And further amend Section 1, page 68, line 22 of the original and introduced bill by inserting immediately after subsection (4), the following new sections and material:

"82A-1006. Division of Employment Security—creation; head; bureaus. (1) There is created a division of employment security within the department. The division head is an administrator appointed by the commissioner of labor and industry.

(2) Within the division of employment security are the following bureaus: (a) The bureau of Montana state employment service.
(b) The bureau of unemployment insurance.

Each bureau shall be headed by a full-time chief appointed by the administrator. The administrator shall establish such other bureaus within the division as are required for the receipt of federal funds. Personnel of the division shall be employed in accordance with merit system standards.

82A-1007. EMPLOYMENT SECURITY COMMISSION ABOLISHED — FUNCTIONS TRANSFERRED TO DIVISION OF EMPLOYMENT SECURITY. The employment security commission of Montana, created in title 87, chapter 1, R.C.M., 1947, and its units are abolished, and their functions, except the quasi-judicial functions transferred to the board of labor appeals in section 82A-1009 of this chapter, are transferred to the division of employment security.";

And further amend Section 1, page 68, line 23 of the original and introduced bill by omitting the numerals "1006", and inserting in lieu thereof the numerals "1008";

And further amend Section 1, page 69, line 8 of the original and introduced bill by omitting the numerals "1007", and inserting in lieu thereof the numerals "1009";

And further amend Section 1, page 69, line 18 of the original and introduced bill by omitting the numerals "1008", and inserting in lieu thereof the numerals "1010";

And further amend Section 1, page 69, line 24 of the original and introduced bill by inserting after the word "OF" the word "STATE" and insert the word "STATE" after the word "OF" in line 25;

And further amend Section 1, page 69, line 26 of the original and introduced bill by inserting after the word "of" the word "state";

And further amend Section 1, page 70, line 3 of the original and introduced bill by inserting after the word "of" the word "state";

And further amend Section 1, page 70, line 6 of the original and introduced bill by inserting after the word "of" the word "state";

And further amend Section 1, page 70, line 11 of the original and introduced bill by inserting after the word "of" the word "state";

And further amend Section 1, page 70, line 14 of the original and introduced bill by inserting after the word "of" the word "state";

And further amend Section 1, page 70, line 21 of the original and introduced bill by omitting the words "EXECUTIVE SECRETARY" and inserting in lieu thereof the words "COMMISSIONER OF STATE LANDS";

And further amend Section 1, page 70, line 22 of the original and introduced bill by omitting the words "executive secretary" and inserting in lieu thereof the word "commissioner";

And further amend Section 1, page 70, lines 22 and 23 of the original and introduced bill by omitting the words, letters, and punctuation "the department of" and inserting in lieu thereof the word "state";

And further amend Section 1, page 70, line 24 of the original and introduced bill by omitting the words "executive secretary" and inserting in lieu thereof the word "commissioner";

And further amend Section 1, page 70, line 28 of the original and introduced bill by omitting the words "executive secretary" and inserting in lieu thereof the word "commissioner";

And further amend Section 1, page 75, line 6 of the original and introduced bill by omitting the words "only those" and inserting in lieu thereof the word "the";

And further amend Section 1, page 81, line 3 of the original and introduced bill, by omitting after the word "of", the words and punctuation "FISH AND GAME,";

And further amend Section 1, page 81, line 3 of the original and introduced bill by omitting the punctuation "," after the word "RESOURCES";

And further amend Section 1, page 81, line 6 of the original and introduced bill, by omitting the following material "(a) Division of fish and game.";

And further amend Section 1, page 81, line 7 of the original and introduced bill, by omitting the letter and punctuation "(b)" and inserting in lieu thereof the letter and punctuation "(a)";

And further amend Section 1, page 81, line 8 of the original and introduced bill, by omitting the letter and punctuation "(c)" and inserting in lieu thereof the letter and punctuation "(b)";

And further amend Section 1, page 81, line 9 of the original and introduced bill by inserting after the word and punctuation "administrator." the words, numerals, and punctuation "The administrator of the division of forestry shall be technically trained and experienced in forestry and a graduate of an accredited forestry school.";

And further amend Section 1, page 81, lines 16 through 30 of the original and introduced bill, by omitting after the word and punctuation "DIVISIONS." the following material, "(1) The state fish and game commission, created in title 26, chapter 1, R.C.M., 1947, is abolished, and its functions, except the quasi-judicial and quasi-legislative functions transferred to the board of natural resources and conservation in section 82A-1508 of this chapter, are transferred to the division of fish and game. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the state fish and game commission, except the references relating to the quasi-judicial and quasi-legislative functions transferred to the board of natural resources and conservation in section 82A-1508 of this chapter, means the division of fish and game of the department of natural resources and conservation.

(2) The fish and game department, provided for in title";

And further amend Section 1, page 82, line 1 through and including line 6 of the original and introduced bill, by omitting the material therein in its entirety;

And further amend Section 1, page 82, line 7 of the original and introduced bill by omitting the numeral and punctuation "(3)" and inserting in lieu thereof the numeral and punctuation "(1)";

And further amend Section 1, page 82, line 21 of the original and introduced bill by omitting the numeral and punctuation "(4)" and inserting in lieu thereof the numeral and punctuation "(2)";

And further amend Section 1, page 83, line 4 of the original and introduced bill by omitting the numeral and punctuation "(5)" and inserting in lieu thereof the numeral and punctuation "(3)";

And further amend Section 1, page 84, line 24 beginning after the word and punctuation "CONSERVATION." and continuing through and including page 85, line 28 of the original and introduced bill by omitting the material therein in its entirety;

And further amend Section 1, page 85, line 29 of the original and introduced bill by omitting the numeral and punctuation "(2)" and inserting in lieu thereof the numeral and punctuation "(1)";

And further amend Section 1, page 86, line 21 of the original and introduced bill by omitting the numeral and punctuation "(3)" and inserting in lieu thereof the numeral and punctuation "(2)";

And further amend Section 1, page 87, line 6 of the original and introduced bill by omitting the numeral and punctuation "(4)" and inserting in lieu thereof the numeral and punctuation "(3)";

And further amend Section 1, page 87, line 25 of the original and introduced bill by omitting the numeral and punctuation "(5)" and inserting in lieu thereof the numeral and punctuation "(4)";

And further amend Section 1, page 88, line 14 of the original and introduced bill by omitting the numeral "1508" and inserting in lieu thereof the numeral "1509";

And further amend Section 1, page 92, line 16 of the original and introduced bill by inserting after the numerals "1947" the punctuation and material ", renamed the board of morticians";

And further amend Section 1, page 96, line 24 of the original and introduced bill by inserting after the word "functions" the words "and the function of establishing a state plumbing code";

And further amend Section 1, page 99, line 28 of the original and introduced bill by omitting the punctuation and numeral "(1)";

And further amend Section 1, page 103, after line 24 of the original and introduced bill the following new subsection and material: "(6) In addition to its authority to hold hearings relating to the functions retained in it under this section, the board shall continue to hold the hearings concerning disputes arising out of the administration of the revenue and taxation laws administered by the department where such hearing are allowed by law as a final administrative review prior to appeals to the courts. This subsection does not apply to the quasi-judicial functions transferred to the board of liquor appeals in section 82A-1808 of this chapter.";

And further amend Section 1, page 106, line 28 of the original and introduced bill by omitting the word "WELFARE" and inserting in lieu thereof the word "AFFAIRS";

And further amend Section 1, page 107, line 2 of the original and introduced bill by omitting the word "welfare" and inserting in lieu thereof the word "affairs";

And further amend Section 1, page 107, line 5 of the original and introduced bill by omitting the word "welfare" and inserting in lieu thereof the word "affairs";

And further amend Section 1, page 109 of the original and introduced bill by inserting the following material between line 12 and line 13 of of the original and introduced bill:

"CHAPTER 20. DEPARTMENT OF FISH AND GAME

82A-2001. DEPARTMENT OF FISH AND GAME — CREATION; HEAD. There is created a department of fish and game. The department head is the state fish and game commission provided for in section 82A-2004 of this chapter, but section 82A-107 of this act does not apply to the commission as a department head.

82A-2002. FUNCTIONS TRANSFERRED TO DEPARTMENT. The fish and game department, provided for in title 26, chapter 1, R.C.M., 1947, and its units are abolished, and their functions are transferred to the department of fish and game created in this chapter. Unless inconsistent with this act, any reference in the Revised Codes of Montana, 1947, to the fish and game department means the department of fish and game created in this chapter.

82A-2003. Director of fish and game department — continued. The position of state fish and game director and its functions are continued. The state fish and game director before the effective date of this chapter continues as the state fish and game director, until the first Monday of January, 1973, and until his successor is appointed and qualified. Thereafter, the director shall be appointed by the governor for a term concurrent with that of the governor's term. The director may be removed from office by the governor only for neglect of duty, incompetency or other good cause, and after a full hearing on verified charges filed at least twenty (20) days before said hearing and served on said officer at least twenty (20) days before said hearing. The state fish and game director is not a director as defined in section 82A-103 (7), and section 82A-106 does not apply.

82A-2004. State fish and game commission — continued; functions; designation. (1) The state fish and game commission, created in title 26, chapter 1, R.C.M., 1947, and its functions, except the function of appointing and removing the state fish and game director provided for in section 26-106, R.C.M., 1947, are continued.

(2) The state fish and game commission is designated as a quasi-judicial board for purposes of section 82A-112 of this act.";

And further amend Section 1, page 109, line 13 of the original and introduced bill by omitting the numerals "20" and inserting in lieu thereof the numerals "21";

And further amend Section 1, page 109, line 14 of the original and introduced bill by omitting the numerals "2001" and inserting in lieu thereof the numerals "2101";

And further amend Section 1, page 109, line 18 of the original and introduced bill by omitting the numerals "2002" and inserting in lieu thereof the numerals "2102";

And further amend section 6, page 110, line 6 of the original and introduced bill by omitting the numerals "20" and inserting in lieu thereof the numerals "21";

And further amend Section 6, page 110, line 8 of the original and introduced bill by omitting the numerals "19" and inserting in lieu thereof the numerals "20";

And further amend Section 1, page 45, lines 14 through 30, of the original and introduced bill by omitting the material therein in its entirety;

And further amend Section 1, page 46, lines 1 through 30, of the original and introduced bill by omitting the material therein in its entirety;

And further amend Section 1, page 47, lines 1 through 9, of the original and introduced bill by omitting the material therein in its entirety;

And further amend Section 1, page 89, line 30, of the original and introduced bill by omitting all the material and punctuation after the word "examiners";

And further amend Section 1, page 90, lines 1, 2, and 3, of the original and introduced bill by omitting all the material, numerals, and punctuation in its entirety before the word "means" on line 3;

And further amend Section 1, page 90, lines 20 through 23, of the original and introduced bill by omitting all the material, numerals, and punctuation in its entirety after the word "cosmetology" on line 20 and before the word "means" on line 23;

And further amend Section 1, page 91, lines 23 through 26 of the original and introduced bill, by omitting all the material, numerals, and punctuation in its entirety after the word "dispensers" on line 23 and before the word "means" on line 27;

And further amend Section 1, page 92, lines 18 through 21 of the original and introduced bill, by omitting all the material, numerals, and punctuation in its entirety after the word "morticians" on line 18 and before the word "means" on line 21;

And further amend Section 1, page 92, lines 28 through 30 of the original and introduced bill, by omitting all the material, numerals, and punctuation in its entirety after the word "administrators" on line 28;

And further amend Section 1, page 93, line 1 of the original and introduced bill by omitting all the material, numerals, and punctuation before the word "means" on that line;

And further amend Section 1, page 93, lines 24 through 27 of the original and introduced bill by omitting all the material, numerals, and punctuation in its entirety after the word "pharmacy" on line 24 and before the word "means" on line 27;

And further amend Section 1, page 94, lines 3 through 6 of the original and introduced bill, by omitting in its entirety all the material, numerals, and punctuation after the word "board" on line 3 and before the word "means" on line 6;

And further amend Section 1, page 94, line 30 of the original and introduced bill by omitting the material and punctuation after the word "Montana";

And further amend Section 1, page 95, lines 1 through 4 of the original and introduced bill by omitting in its entirety the material, numerals, and punctuation before the word "means" on line 4;

And further amend Section 1, page 96, lines 24 through 26 of the original and introduced bill by omitting in its entirety the material, numerals, and punctuation after the words "for the" on line 24 and before the word "inspection" on line 26;

And further amend Section 1, page 45, line 1 of the original and introduced bill by omitting the punctuation and numeral "(1)";

And as so amended, do pass.

McKEON, Chairman

Report adopted.

Mr. President: We, your Committee on Finance and Claims, having had under consideration Senate Bill No. 73, respectfully report as follows: That Senate Bill No. 73 do not pass.

GROFF, Chairman

Report adopted.

Mr. President: We, your Committee on Finance and Claims, having had under consideration Senate Bill No. 162, respectfully report as follows: That Senate Bill No. 162 be amended as follows:

Amend Section 2, page 1, line 21 of the original bill following the word and number "Section 2." by inserting the following material "On approval of the attorney general" and by changing the capital "A" of the word "Any": to the lower case;

And as so amended, do pass.

GROFF, Chairman

Report adopted.

Mr. President: We, your Committee on State Administration, having had under consideration Senate Bill No. 324, respectfully report as follows: That Senate Bill No. 324 do not pass.

JAMES, Chairman

Report adopted.

Mr. President: We, your Committee on State Administration, having had under consideration Senate Bill No. 323, respectfully report as follows: That Senate Bill No. 323 do not pass.

JAMES, Chairman

Report adopted.

Mr. President: We, your Committee on Irrigation and Water, having had under consideration Senate Bill No. 124, resepctfully report as follows: That Senate Bill No. 124 be amended as follows:

REPORTS OF STANDING COMMITTEES

The following committee reports were submitted:

Mr. President: We, your Committee on Bills, beg leave to report the following bills back correctly engrossed: Senate Bills Nos. 282, 290, 294,

DeWOLFE, Chairman

Report adopted.

Mr. President: We, your Committee on Bills, beg leave to report the following bills correctly printed: Senate Bills Nos. 155, 301, 240, 321, 211, 303, 171, 274.

DeWOLFE, Chairman

Report adopted.

Mr. President: We, your Committee on Agriculture, having had under consideration Senate Bill No. 326, respectfully report as follows: That Senate Bill No. 326 do not pass.

McOMBER, Chairman

Motion was made by Senator McOmber for adoption of the committee report. Substitute motion was made by Senator Boylan that Senate Bill No. 326 be printed and placed on Second Reading. Motion failed to carry; report adopted.

Mr. President: We, the Majority of your Committee on Public Health, Welfare, and Safety, having had under consideration Senate Bill No. 98, respectfully report as follows: That Senate Bill No. 98 do not pass.

BOLLINGER
BENNETT
COCHRANE
DESCHAMPS
HIBBARD
STEPHENS

Mr. President: We, the Minority of your Committee on Public Health, Welfare and Safety, having had under consideration Senate Bill No. 98, respectfully report as follows That Senate Bill No. 98 do pass.

FLYNN
LYNCH
MITCHELL
VAINIO

Senator Bollinger moved for adoption of the Majority committee report. Substitute motion was made by Senator Flynn for the adoption of the Minority report. Senator Flynn requested a roll call vote, the results thereof to be spread on the Journal, and he asked for a call of the Senate. There being sufficient seconds, the President ordered a Call of the Senate. Thereafter progress having been reported Senator Flynn moved that the Call of the Senate be dispensed with. Motion carried. On roll call vote the substitute motion of Senator Flynn failed by the following vote:

Ayes: Bertsche, Carl, Dzivi, Flynn, Lynch, McKeon, Mitchell, Northey, Reardon, Shea, Sheehy, Vainio. Total 12.

Noes: Bennett, Bollinger, Boylan, Broeder, Brownfield, Cochrane, Cotton, Deschamps, DeWolfe, Drake, Goodheart, Graham, Groff, Hanks, Hazelbaker, Hibbard, James, Keenan, Klindt, Lowe, Lyon, Mackay, Manning, Mathers, McCallum, McDonald, McOmber, Moore, Moritz, Nees, Rehberg, Rosell, Rostad, Rugg, Siderius, Sorensen, Stein, Stephens, Thiessen, Turnage. Total 40.

Absent and not voting: Gilfeather, Hafferman. Total 2.

Excused: McGowan. Total 1.

Mr. President: We, your Committee on Local Government, having had under consideration House Bill No. 30, respectfully report as follows: That House Bill No. 30 be concurred in.

THIESSEN, Chairman

Report adopted.

Mr. President: We, your Committee on Local Government, having had under consideration House Bill No. 14, respectfully report as follows: That House Bill No. 14 be concurred in.

THIESSEN, Chairman

Report adopted.

Mr. President: We, your Committee on Bills, beg leave to report Senate Bill No. 126 back correctly engrossed.

DeWOLFE, Chairman

Report adopted.

Without objection, the President proceeded to Order of Business No. 7.

INTRODUCTION OF HOUSE BILLS

The following House bill was introduced, read first time and referred to the Committee on Taxation:

House Bill No. 147, introduced by Watt, Haines, Worden, Burnett, Patrick, Christiansen, Kosena, Fasbender, Healy, Aspevig, Marbut, Campbell, Norman: A bill for an act entitled: "An act providing for the replacement of property taxes on habitable property and certain personal property with a tax on total disposable income; defining habitable property; and providing for its separate listing."

The President granted the following committees seven additional days to consider the following House bills:

STATE ADMINISTRATION: House Bills Nos. 200, 18, 97, 54, H.J.R. 7.

HIGHWAYS AND TRANSPORTATION: House Bills Nos. 204, 59.

CONSTITUTION, ELECTIONS AND FEDERAL RELATIONS: House Bill No. 234, House Joint Resolution No. 44.

PUBLIC HEALTH, WELFARE AND SAFETY: House Bill No. 377.

JUDICIARY: House Bills Nos. 401, 118, 188, 180.

FISH AND GAME: House Bills Nos. 412, 260.

NATURAL RESOURCES: House Joint Resolutions Nos. 10, 22.

LOCAL GOVERNMENT: House Joint Resolution No. 38.

BANKING AND INSURANCE: House Bill No. 9.

EDUCATION: House Bill No. 178.

At the request of Senator Stephens, and without objection, the President reverted to Order of Business No. 6.

Motion was made by Senator Stephens that Senate Bill No. 274 be taken from Second Reading and rereferred to the Committee on Executive Reorganization. Senator Dzivi moved for a Call of the Senate. There being sufficient seconds, the President ordered a Call of the Senate. Thereafter, progress being shown, Senator Dzivi moved that the Call of the Senate be dispensed with. Motion carried. Roll call vote followed and the motion of Senator Stephens failed to carry.

BUSINESS ON SECOND READING

Upon motion of Senator Dzivi, duly carried, the Senate resolved itself into a Committee of the Whole for the consideration of Business on Second Reading.

Senator Keenan in the Chair. Committee arose.

Senate resumed. President Judge presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on Second Reading, respectfully report and recommend as follows:

That Senate Bill No. 321 do pass.

That consideration of Senate Bill No. 211 be passed.

That Senate Bill No. 274 do pass.

That the Committee rise and report.

KEENAN, Chairman

Report adopted.

Upon motion of Senator Dzivi, duly carried, the Senate recessed at 12:35 p.m. until the hour of 2:00 p.m. this day.

AFTERNOON SESSION

Pursuant to recess, the Senate resumed at 2:00 p.m., President Pro-tem Hafferman presiding.

Without objection, the President proceeded to Order of Business No. 6.

MOTIONS AND RESOLUTIONS

Senator Dzivi moved that the Joint Rules of the Senate be temporarily suspended and that the following bills, where the engrossing reports were received today, be placed on Third Reading: Senate Bills Nos. 295, 305, 194, 276, 270, 331 and 126. Motion carried.

Mr. President: We, your Committee on Bills, beg leave to report the following bills back considered correctly engrossed: Senate Bills Nos. 274 and 321.

DeWOLFE, Chairman

Report adopted.

Motion was made by Senator Dzivi that the Rule requiring one day to lapse after the engrossing report is received, be suspended so that Senate Bills Nos. 274 and 321 may be placed on Third Reading. Motion carried.

Motion was made by Senator Dzivi that the Rule requiring separate days for each reading, be suspended, and that Senate Bills Nos. 274 and 321 be placed on Third Reading. Motion carried.

Without objection, the President proceeded to Order of Business No. 9.

THIRD READING OF BILLS

Senate Bill No. 295, having been read three several times, was passed by the following roll call vote:

Ayes: Bennett, Bertsche, Bollinger, Boylan, Broeder, Brownfield, Carl, Cochrane, Cotton, Deschamps, DeWolfe, Dzivi, Flynn, Goodheart, Graham, Groff, Hafferman, Hanks, Hazelbaker, James, Lowe, Lynch, Lyon, Mackay,

Noes: Brownfield, Hibbard, Lyon, Mackay, Mathers, Thiessen. Total 6.

Absent and not voting: None.

Excused: McGowan, Rugg, Stephens. Total 3.

Senate Bill No. 274, having been read three several times, was passed by the following roll call vote:

Ayes: Bennett, Bertsche, Bollinger, Boylan, Cochrane, Cotton, DeWolfe, Dzivi, Flynn, Gilfeather, Goodheart, Graham, Groff, Hafferman, Hanks, James, Keenan, Lynch, Lyon,, Manning, McDonald, McKeon, McOmber, Moritz, Nees, Reardon, Rosell, Rostad, Shea, Sheehy, Siderius, Sorensen, Thiessen, Vainio. Total 34.

Noes: Broeder, Brownfield, Carl, Deschamps, Drake, Hazelbaker, Hibbard, Klindt, Lowe, Mackay, Mathers, McCallum, Mitchell, Moore, Northey, Rehberg, Stein, Stephens, Turnage. Total 19.

Absent and not voting: None.

Excused: McGowan, Rugg. Total 2.

(Including one pair: Flynn voting aye, Stephens, no.)

Without objection, the President reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

The following committee reports were submitted:

Mr. President: We, your Committee on Education, having had under consideration Senate Bill No. 311, respectfully report as follows: That Senate Bill No. 311 do not pass.

COTTON, Chairman

Report adopted.

Mr. President: We, your Committee on Education, having had under consideration House Bill No. 457, respectfully report as follows: That House Bill No. 457 be amended as follows:

Amend Section 1, page 1, line 23 of the original bill following the word "showing" by inserting the words "financial need and";

Further amend Section 1, subsection (a), page 1, lines 27 and 28 of the original bill by inserting the following words, figures, punctuation and underlining "(a) The number of Indians chosen each year shall not exceed one hundred fifty (150).";

And as so amended, be concurred in.

COTTON, Chairman

Report adopted.

Without objection, the President proceeded to Order of Business No. 8.

BUSINESS ON SECOND READING

Upon motion of Senator Dzivi, duly carried, the Senate resolved itself into a Committee of the Whole for the consideration of Business on Second Reading.

Senator Keenan in the Chair. Committee arose.

Senate resumed. President Pro-tem Hafferman presiding.

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the following Senate Bills were this day concurred in and are herewith returned to the Senate.

Senate Bill No. 38 introduced by Stephens, Moritz, et al

Senate Bill No. 40 introduced by Stephens, Moritz, Manning, et al

Senate Bill No. 42 introduced by Mackay.

Senate Bill No. 46 introduced by James, Mackay

Senate Bill No. 64 introduced by Bennett and Flynn

Senate Bill No. 77 introduced by Bennett, Hibbard, et al

Senate Bill No. 78 introduced by Gilfeather, Siderius, et al

Senate Bill No. 83 introduced by Graham, Cochrane, et al

Senate Bill No. 91 introduced by Hafferman, Bennett

Senate Bill No. 93 introduced by Rehberg, Lynch

Senate Bill No. 106 introduced by Siderius, Bennett, et al

Senate Bill No. 107 introduced by Siderius, Bennett, et al

Senate Bill No. 108 introduced by Drake, Lynch, Siderius

Senate Bill No. 120 introduced by McDonald, Deschamps, et al

Senate Bill No. 121 introduced by Hafferman, Drake, et al

Senate Bill No. 127 introduced by Lynch, Broeder, Siderius

Senate Bill No. 166 introduced by Rugg, Graham, Rostad, et al

Senate Bill No. 167 introduced by Stephens, Bennett, James, DeWolfe

Senate Bill No. 201 introduced by Siderius, Cochrane, et al

Senate Bill No. 214 introduced by Mackay, Mathers, et al

Senate Bill No. 244 introduced by Lowe, Cochrane, Bertsche, et al

Senate Bill No. 245 introduced by Lowe, Cochrane, Bertsche, et al

Senate Bill No. 254 introduced by McKeon

Senate Bill No. 272 introduced by Manning

Senate Bill No. 304 introduced by Vainio

Senate Bill No. 328 introduced by Mackay, Thiessen, Graham, Mathers

Senate Bill No. 339 introduced by James, Moritz.

Senate Joint Resolution No. 29 introduced by McGowan, James, et al

Sincerely, yours,
ZACK STEVENS
Chief Clerk

Mr. President:

February 22, 1971

I am directed by the House of Representatives to inform your Hon-

orable Body that the following Senate bills were this day read third time and concurred in as amended, titles and history agreed to, and the bills are herewith returned to the Senate for concurrence in House amendments:

Senate Bill No. 4 introduced by Drake

Senate Bill No. 7 introduced by Hafferman, DeWolfe, et al

Senate Bill No. 19 introduced by McGowan and Deschamps

Senate Bill No. 20 introduced by McGowan and Deschamps

Senate Bill No. 71 introduced by Highways and Transportation

Senate Bill No. 112 introduced by McKeon

Senate Bill No. 113 introduced by McKeon

Senate Bill No. 116 introduced by McKeon, Siderius, et al

Senate Bill No. 128 introduced by McGowan, Rugg

Senate Bill No. 133 introduced by Hafferman, Broeder and Stephens

Senate Bill No. 219 introduced by Rosell, Rehberg, et al

Senate Bill No. 249 introduced by Bollinger, Cotton, Brownfield

Senate Bill No. 253 introduced by McKeon

Senate Bill No. 263 introduced by Rosell, Rostad, Rugg, et al

Senate Bill No. 274 introduced by Select Committee of the Senate on Executive Reorganization

Senate Bill No. 281 introduced by Sheehy, Mackay, et al

Senate Bill No. 329 introduced by Mackay, Thiessen, Graham, Mathers

Sincerely yours,

ZACK STEVENS
Chief Clerk

MOTIONS AND RESOLUTIONS

Motion was made by Senator Dzivi that the Senate accede to the request of the House and return to that Body Senate Bill No. 34. Motion carried.

Motion was made by Senator Mackay that House Bill No. 338 be taken from Second Reading and rereferred to the Committee on Agriculture. Senator Dzivi requested a roll call vote with the results thereof spread on the Journal. After discussion, Senator McOmber moved the previous question. Motion failed. After further discussion, Senator Rostad moved the previous question. Motion carried. There having been sufficient seconds rise, the President Pro-tem ordered a roll call vote be taken on Senator Mackay's motion and the motion carried by the following roll call vote:

Ayes: Boylan, Broeder, Brownfield, Carl, Cochrane, Deschamps, DeWolfe, Drake, Graham, Hanks, Hazelbaker, Hibbard, Klindt, Lowe, Lyon, Mackay, Manning, McCallum, McGowan, McOmber, Moore, Moritz, Northey, Rehberg, Rosell, Rostad, Rugg, Stephens, Mathers, Turnage. Total 30.

Noes: Bertsche, Bollinger, Cotton, Dzivi, Flynn, Gilfeather, Goodheart, Groff, Hafferman, James, Keenan, Lynch, McDonald, McKeon, Mitchell, Nees, Reardon, Shea, Sheehy, Siderius, Sorensen, Thiessen, Vainio, Stein. Total 24.

House Bill No. 614 introduced by Dye and Glennen

Sincerely yours,

ZACK STEVENS
Chief Clerk

SPECIAL ORDERS OF THE DAY

Motion was made by Senator Dzivi, that the Senate resolve itself into a Committee of the Whole for consideration of business under Special Order of Business set for 10:00 a.m. this day, for consideration of House Amendments to Senate Bill No. 274. Motion carried.

BUSINESS ON SECOND READING

Senator Siderius in the Chair. Committee arose.

Senate resumed. President Judge presiding.

The Committee of the Whole, having had under consideration Business under Special Order of Business, recommend as follows:

That House Amendments to Senate Bill No. 274 be not concurred in.

That the Committee rise and report.

SIDERIUS, Chairman

Motion was made by Senator Siderius for adoption of the Committee of the Whole report. Substitute motion was made by Senator McKeon that House Amendments to Senate Bill No. 274 be segregated from the Committee report. Senator McKeon requested a roll call vote, with the results thereof spread on the Journal, and a Call of the Senate. There being sufficient seconds the President ordered a Call of the Senate and a roll call vote. Thereafter, sufficient progress having been shown, Senator Turnage moved that the Call of the Senate be dispensed with. Motion carried. On roll call vote the substitute motion of Senator McKeon failed to carry by the following vote:

Ayes: Bertsche, Bollinger, Boylan, Cotton, Goodheart, Graham, Groff, Hafferman, Hanks, Keenan, Lynch, Manning, McDonald, McGowan, McKeon, McOmber, Reardon, Sheehy, Siderius, Sorensen, Thiessen. Total 21.

Noes: Bennett, Broeder, Brownfield, Carl, Cochrane, Deschamps, DeWolfe, Drake, Dzivi, Flynn, Gilfeather, Hazelbaker, Hibbard, James, Klindt, Lowe, Lyon, Mackay, Mathers, McCallum, Mitchell, Moore, Moritz, Nees, Northey, Rehberg, Rosell, Rostad, Rugg, Shea, Stein, Stephens, Turnage, Vainio. Total 34.

Absent and not voting: None.

Excused: None.

Original motion of Senator Siderius carried, and the Committee of the Whole report was adopted.

Without objection, the President proceeded to Order of Business No. 9.

THIRD READING OF BILLS

House Amendments to Senate Bill No. 12, having been read three several times, were concurred in by the following roll call vote:

Ayes: Bennett, Bertsche, Bollinger, Boylan, Broeder, Brownfield, Carl, Cochrane, Cotton, Deschamps, DeWolfe, Drake, Dzivi, Flynn, Gilfeather, Goodheart, Graham, Groff, Hafferman, Hanks, Hazelbaker, Hibbard, James,

WHEREAS, John Campbell, son of the late Senator John L. Campbell of Missoula County and Betty Browley, a granddaughter of Cornelius O'Donnell, one of the first settlers in Deer Lodge County, have composed a new song entitled "Old Montana," and

WHEREAS, "Old Montana" was sung in the House of Representatives on March 1, 1971, and acclaimed as an outstanding musical composition.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the musical composition, "Old Montana" be recognized as a significant addition to the musical history of the State of Montana and that it be acknowledged as an appropriate addition to the beloved and irreplaceable present state song.

The President referred the foregoing Resolution to the Committee on Education.

Three additional days were granted by the President to the following committees to consider the following bills:

TAXATION: House Bills Nos. 107 and 406.

REAPPORTIONMENT: House Bill No. 298.

Senator McGowan moved that the President be authorized to appoint a Free Conference Committee of three to confer with a like committee from the House on House Amendments to Senate Bill No. 250. Motion carried.

The President appointed the following committee:

Senator McGowan, Chairman
Senator Bertsche
Senator Cochrane

Senator Dzivi moved that the President be authorized to appoint a Conference Committee of three, which Committee will be free with respect to Chapter 5 only, to meet with a like Committee to be requested from the House to confer regarding House Amendments to Senate Bill No. 274.

Substitute motion was made by Senator Mackay that the President be authorized to appoint a Conference Committee of three, which Committee will be free with respect to Chapter 5 and Chapter 18 only, to meet with a like Committee to be requested from the House to confer regarding House Amendments to Senate Bill No. 274. Substitute motion of Senator Mackay carried, and the President appointed the following committee:

Senator McKeon, Chairman
Senator Siderius
Senator Stephens

Motion was made by Senator Dzivi that the President be authorized to appoint a Conference Committee of three to meet with a like Committee from the House on Senate Amendments to House Bill No. 455. Motion carried.

The President appointed the following committee:

Senator Sheehy, Chairman
Senator McKeon
Senator Bennett

Having voted on the prevailing side, Senator Sheehy moved that the Senate reconsider its action on Third Reading on House Amendments to Senate Bill No. 232. Motion carried.

Senator Sheehy moved that House Amendments to Senate Bill No. 232 be placed on Second Reading. Motion carried.

Mr. President and Speaker of the House: We, your Joint Conference Committee having had under consideration Senate Amendments to House Bill No. 19, respectfully report and recommend as follows:

That the House accede to paragraph 1 of the Senate amendments to Section 1;

That the Senate recede from paragraph 2 of the Senate amendments to Section 1;

That the House accede to paragraph 3 of the Senate amendments to Section 3.

For the Senate:
BOYLAN
CARL
SORENSEN

For the House:
KELLER
KNUDSEN
WARFIELD

On motion of Senator Dzivi, the committee report was adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

March 2, 1971

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that Senate Bill No. 94 was this day read third time and concurred in as amended, title and history agreed to, and the same is herewith returned to the Senate for concurrence in House amendments.

Sincerely yours,
ZACK STEVENS
Chief Clerk

MOTIONS AND RESOLUTIONS

Motion was made by Senator Dzivi, duly carried, that the President be authorized to appoint a committee of six members to determine the areas of study during the coming interim for the Legislative Council.

The President appointed the following committee.

James, Chairman
Graham
McGowan
Hazelbaker
Mackay
Cochrane

Motion was made by Senator Dzivi, duly carried, that the conference committee on House Amendments to Senate Bill No. 274 be dissolved and the President authorized to appoint a Free Conference Committee on Senate Bill No. 274.

The President appointed the following committee.

McKeon, Chairman
Dzivi
Mathers

Ayes: Boylan, Broeder, Brownfield, Cochrane, DeWolfe, Drake, Dzivi, Flynn, Goodheart, Graham, Groff, Hanks, Hazelbaker, Hibbard, James, Keenan, Klindt, Lowe, Lyon, Mathers, McCallum, McDonald, McGowan, McOmber, Mitchell, Moore, Nees, Northey, Reardon, Rehberg, Rosell, Rostad, Rugg, Shea, Sheehy, Siderius, Sorensen, Stein, Stephens, Turnage, Vainio. Total 41.

Noes: None.

Absent and not voting: Bennett, Bertsche, Bollinger, Carl, Cotton, Deschamps, Hafferman, Lynch, Mackay, Manning, McKeon, Moritz, Thiessen. Total 13.

Excused: Gilfeather. Total 1.

Without objection, the President reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

March 3, 1971

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the House this day appointed a Committee of six to meet with a like committee from the Senate to consider resolutions for the Legislative Council to consider.

The Speaker appointed the following:

Representative Ulmer, Chairman
Representative Burnett
Representative Cox
Representative McGrath
Representative Hall
Representative Watt

Sincerely yours,

ZACK STEVENS
Chief Clerk

March 3, 1971

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the Speaker appointed the following House members to a Free Conference Committee on Senate Bill No. 274.

Representative Mather
Representative Haines
Representative Norman

Sincerely yours,

ZACK STEVENS
Chief Clerk

March 3, 1971

Mr. President:

I am directed by the House of Representatives to inform your Honorable Body that the House this day made a motion and adopted the same to discharge the Conference Committee on Senate Bill No. 250, and the Speaker Pro Tem appointed the following House members to a Free Conference Committee to confer with a like committee of the Senate.

REPORTS OF STANDING COMMITTEES

The following committee reports were submitted:

Mr. President: We, your Committee on Legislative Administration, having had under consideration Senate Resolution No. 37, respectfully report as follows: That Senate Resolution No. 37 be adopted.

BOLLINGER, Chairman

Report adopted.

Mr. President: We, your Committee on Highways and Transportation, having had under consideration Senate Resolution No. 38, respectfully report as follows: That Senate Resolution No. 38 be adopted.

MANNING, Chairman

Report adopted.

Mr. President: We, your Committee on Local Government, having had under consideration Senate Resolution No. 36, respectfully report as follows: That Senate Resolution No. 36 be adopted.

THIESSEN, Chairman

Report adopted.

REPORTS OF SELECT COMMITTEES

The following committee reports were submitted:

MR. PRESIDENT AND SPEAKER OF THE HOUSE: We, your joint Senate and House Conference Committee on Senate Bill 274, beg leave to report as follows:

That we met this day and recommend as follows:

That the Senate accede to the House amendments except the following House Committee on Executive Reorganization amendments:

"and further amend Section 1, page 40, lines 13 through 16 of the Senate bill by omitting in its entirety the material after the word and punctuation 'continued'."

"Further amend page 90, line 12, by inserting a new sub-section "(c)" "Section 69-3504—Boats", and re-lettering sub-sections (c) through (t)"

"Amend on page 90, line 25 by inserting after the figure "(11)" the words and figures "and (18)" "

"Further amend on page 91 by adding a new sub-section "v"—Title 84, Chapter 54, Net Proceeds","

"Further amend page 91 by adding a new sub-section "w"—Title 84, Chapter 62, Net Proceeds","

"Further amend by relettering sub-section "u" as "x" "

That the Senate and House accede to the following substitute amendments:

and further amend Section 1, section 82A-507, page 40, lines 18 through 30 of the original bill, being Section 1, section 82A-507, page 40, lines 6 through 16 of the Senate approved bill by omitting the material contained therein in its entirety, and renumbering the subsequent sections in chapter 5 accordingly.

and further amend Section 1, page 99, line 23 through and including page 104, line 22 of the original bill being Section 1, page 95, line 2 through and including page 100, line 10 of the Senate approved bill by omitting the

material contained therein in its entirety, and inserting in lieu thereof the following material:

82A-1801. DEPARTMENT OF REVENUE—CREATION; HEAD. There is created a department of revenue. The department head is the state board of equalization, provided for in article XII, section 15 of the Montana constitution.

82A-1802. ADDITIONAL FUNCTIONS TRANSFERRED TO DEPARTMENT. The functions of the secretary of state, which are contained in section 14-528, R.C.M. 1947 (pertaining to rural electric and telephone cooperatives license tax), are transferred to the department. Unless inconsistent with this act, any reference to the secretary of state in section 14-528, R.C.M. 1947, means the department of reveue.

82A-1803. FUNCTIONS OF THE STATE BOARD OF EQUALIZATION CONTINUED. (1) The functions of the state board of equalization are continued in the board, which board is created in article XII, section 15 of the Montana constitution.

(2) The board shall appoint an advisory council for the purpose of complying with article VI, section 1 (b) of the multi-state tax compact, section 84-6701, R.C.M. 1947. The council shall be appointed in accordance with the provisions of section 82A-110 of this act.

82A-1804. DIRECTOR OF REVENUE—CREATION. (1) There is created the position of director of revenue.

(2) The director is the chief administrative officer of the department under the direction of the state board of equalization and he shall perform those functions that are delegated to him by the board and in addition shall prepare revenue estimates of state revenue from all sources and shall continuously study fiscal problems and tax structures of state and local governments and submit the studies to the governor and legislative assembly at their request.

(3) The director of revenue shall be appointed and serve as provided for directors in section 82A-106 of this act.

82A-1805. MONTANA LIQUOR CONTROL BOARD—CONTINUED; TRANSFER; DESIGNATION. (1) The Montana liquor control board, created in title 4, chapter 1, R.C.M. 1947, and its functions are continued.

(2) The board is transferred to the department of revenue for administrative purposes only as prescribed in section 82A-108 of this act. However, the board may hire its own personnel, and section 82A-108 (2) (d) does not apply.

(3) The board is designated as a quasi-judicial board for purposes of section 82A-112 of this act.

82A-1806. MULTISTATE TAX COMPACT ADVISORY COMMITTEE ABOLISHED. The multistate tax compact advisory committee, provided for in section 84-6704, R.C.M. 1947, is abolished.

Recommend that the same be adopted.

For the Senate:
McKEON
DZIVI
MATHERS

For the House:
MATHER
HAINES
NORMAN

That the legislative council study all phases of operation of the Water Resources Board.

BE IT FURTHER RESOLVED, that the study include reviewing and evaluating the plans and policies of the Water Resources Board.

BE IT FURTHER RESOLVED, that the legislative council use the services of the legislative auditor and the legislative audit committee.

BE IT FURTHER RESOLVED, that the study include reviewing all water projects of the Board and evaluate the policies with regard to each project.

BE IT FURTHER RESOLVED, that a detailed analysis be made of the costs of the operation and maintenance of each of the projects of the Board.

BE IT FURTHER RESOLVED, that the study determine if proper operation, and maintenance charges are being made on the projects.

BE IT FURTHER RESOLVED, that the legislative council review the legal aspects of relinquishing projects to water users and request the cooperation and assistance of the Attorney General in making legal determinations of the relinquishment of said projects.

BE IT FURTHER RESOLVED, that the study be conducted in a comprehensive and complete way in order that the public and members of the legislative assembly be better informed as to all functions of the Water Resources Board.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Honorable Robert Woodahl, Attorney General of the state of Montana, the Legislative Auditor, and the Executive Director of the Legislative Council.

The President referred the foregoing Resolution to the Select Committee appointed to considering Legislative Council studies for the coming biennium.

THIRD READING OF BILLS

The Conference Committee report on Senate Bill No. 274, having been read, was adopted by the following role call vote:

Ayes: Bennett, Bertsche, Bollinger, Boylan, Broeder, Cochrane, Cotton, Deschamps, DeWolfe, Dzivi, Flynn, Goodheart, Groff, Hafferman, Hanks, Hazelbaker, Hibbard, James, Keenan, Klindt, Lowe, Lyon, Mackay, Manning, Mathers, McDonald, McGowan, McKeon, McOmber, Mitchell, Moore, Moritz, Nees, Northey, Rehberg, Rosell, Rostad, Shea, Sheehy, Siderius, Sorensen, Stein, Stephens, Thiessen, Turnage, Vainio. Total 46.

Noes: Brownfield, Carl, Drake, McCallum, Rugg. Total 5.

Absent and Not Voting: Gilfeather, Lynch, Reardon. Total 3.

Excused: Graham. Total 1.

The Conference Committee report on House Bill No. 423, having been read, was adopted by the following roll call vote:

Ayes: Bertsche, Bollinger, Boylan, Broeder, Brownfield, Carl, Cochrane, Cotton, DeWolfe, Drake, Dzivi, Flynn, Goodheart, Hafferman, Hanks, James, Keenan, Klindt, Lowe, Lyon, Manning, Mathers, McCallum, McDonald, McGowan, McOmber, Mitchell, Moore, Nees, Northey, Rehberg, Rosell, Rostad, Rugg, Shea, Sheehy, Siderius, Sorensen, Stein, Stephens, Thiessen, Vainio. Total 42.

Noes: None.

passed, title and history agreed to, and the said bill is herewith transmitted to the Senate for concurrence.

House Bill No. 383 introduced by Bardanouve and Nichols

Sincerely yours,

ZACK STEVENS
Chief Clerk

Without objection the President proceeded to Order of Business No. 9.

THIRD READING OF BILLS

The Conference Committee Report on House Bill No. 93, having been read, was adopted by the following roll call vote:

Ayes: Bennett, Bertsche, Bollinger, Boylan, Broeder, Brownfield, Carl, Cochrane, Cotton, Drake, Dzivi, Flynn, Gilfeather, Goodheart, Graham, Hanks, Hazelbaker, Hibbard, Keenan, Klindt, Lowe, Lynch, Lyon, Mackay, Manning, Mathers, McCallum, McDonald, McGowan, McKeon, McOmber, Mitchell, Moore, Moritz, Nees, Northey, Reardon, Rehberg, Rosell, Rostad, Rugg, Shea, Sheehy, Siderius, Sorensen, Stein, Stephens, Thiessen, Turnage, Vainio. Total 50.

Noes: Groff, Hafferman. Total 2.

Absent and not voting: Deschamps, DeWolfe, James. Total 3.

Excused: None.

The Conference Committee Report on House Bill No. 540, having been read, was adopted by the following roll call vote:

Ayes: Bertsche, Bollinger, Boylan, Broeder, Brownfield, Carl, Cotton, Deschamps, Drake, Dzivi, Flynn, Gilfeather, Goodheart, Graham, Groff, Hafferman, Hanks, Hazelbaker, Hibbard, James, Keenan, Klindt, Lowe, Lynch, Lyon, Mackay, Manning, McCallum, McDonald, McGowan, McKeon, McOmber, Mitchell, Moore, Moritz, Nees, Northey, Reardon, Rehberg, Rosell, Rostad, Rugg, Shea, Sheehy, Siderius, Sorensen, Stein, Stephens, Thiessen, Turnage, Vainio. Total 51.

Noes: None.

Absent and not voting: Bennett, Cochrane, DeWolfe, Mathers. Total 4.

Excused: None.

The Conference Committee Report on House Bill No. 423, having been read, was adopted by the following roll call vote:

Ayes: Bertsche, Boylan, Broeder, Brownfield, Carl, Cochrane, Cotton, Deschamps, Drake, Dzivi, Flynn, Gilfeather, Goodheart, Graham, Groff, Hafferman, Hazelbaker, Hibbard, James, Keenan, Klindt, Lowe, Lynch, Lyon, Mackay, Manning, McCallum, McDonald, McGowan, McKeon, McOmber, Mitchell, Moore, Moritz, Nees, Northey, Reardon, Rehberg, Rosell, Rostad, Shea, Sheehy, Siderius, Sorensen, Stein, Stephens, Thiessen, Turnage, Vainio. Total 49.

Noes: Bollinger. Total 1.

Absent and Not Voting: Bennett, DeWolfe, Hanks, Mathers, Rugg. Total 5.

Excused: None.

Mr. President: We, your Committee on Bills, beg leave to report Senate Bill No. 274 is back correctly enrolled and duly verified.

DeWOLFE, Chairman

Report adopted.

Mr. President: I have examined Senate Bill No. 274 introduced by me and find the same to be correct.

McKEON

The President signed Senate Bill No. 274 in open session, the title having first been read.

Without objection the President proceeded to Order of Business No. 8.

BUSINESS ON SECOND READING

Upon motion of Senator Dzivi, duly carried, the Senate resolved itself into a Committee of the Whole for consideration of Business on Second Reading.

Senator Hanks in the Chair. Committee arose.

Senate resumed. President Judge presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on Second Reading, report and recommend as follows:

That House Bill No. 610 be concurred in.

That House Bill No. 600 be concurred in.

That House Bill No. 382 be concurred in.

That the Committee rise and report.

HANKS, Chairman

Report adopted.

Without objection the President reverted to Order of Business No. 7.

INTRODUCTION OF HOUSE BILLS

The following House Bills were introduced, read first time and referred to committees:

House Bill No. 383, introduced by Bardanouve, et al: A bill for an act entitled: "An act to provide for the issue and sale by the State Board of Examiners of long-term bonds for the purpose of erecting Employment Security Commission office buildings within the State of Montana, designating the funds from which said bonds shall be paid; providing for Employment Security Commission interest and sinking funds; enumerating the powers and duties of the State Board of Examiners in carrying out the provisions of this act; authorizing the State Land Board to purchase said bonds with moneys from the long-term investments funds; providing a savings clause; and providing an effective date." Referred to Committee on Finance and Claims.

House Bill No. 597, introduced by Himsl, et al: A bill for an act entitled: "An act appropriating money from the general fund to the community college districts of Montana for their operation and maintenance during the biennium ending June 30, 1973, in accordance with Section 75-8121, R.C.M. 1947." Referred to Committee on Finance and Claims.

House Bill No. 619, introduced by Haines, et al: A bill for an act entitled: "An act to appropriate moneys for payment of employers contribution to the Public Employees Retirement System for the services of members of the Legislative Assembly; providing an effective date." Referred to Committee on Finance and Claims.